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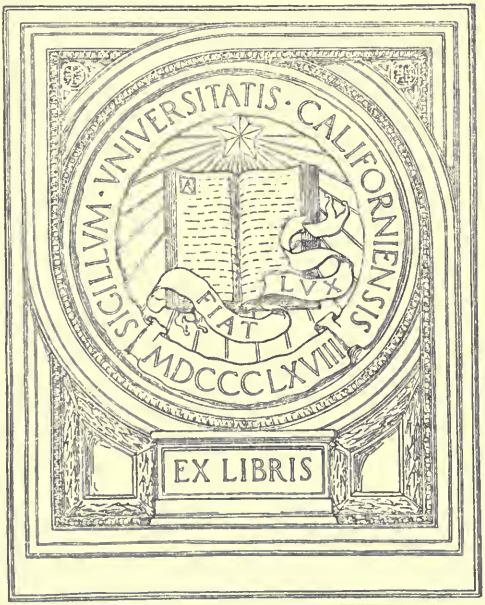

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CHRONICLES OF CANADA

Edited by George M. Wrong and H. H. Langton

In thirty-two volumes

27

THE WINNING OF POPULAR GOVERNMENT

BY ARCHIBALD MACMECHAN

Part VII

The Struggle for Political Freedom

BURNING OF THE PARLIAMENT BUILDINGS,
MONTREAL, 1849

From a colour drawing by C. W. Jefferys

THE WINNING OF POPULAR GOVERNMENT

A Chronicle of the Union of 1841

BY

ARCHIBALD MACMECHAN

TORONTO
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1921

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ROBERT ALEXANDER FALCONER

PRESIDENT OF THE UNIVERSITY OF TORONTO

STUDENT OF HISTORY AND ENCOURAGER

OF HISTORIANS

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CHAPTER I

DURHAM THE DICTATOR

And let him be dictator
For six months and no more.

THE curious sightseer in modern Toronto, conducted through the well-kept, endless avenues of handsome dwellings which are that city's pride, might be surprised to learn that at the northern end of the street which cuts the city in two halves, east and west, bands of armed Canadians met in battle less than a century ago. If he continued his travels to Montreal, he might be told, at a certain point, 'Here stood the Parliament Buildings, when our city was the capital of the country; and here a governor-general of Canada was mobbed, pelted with rotten eggs and stones, and narrowly escaped with his life.' And if the intelligent traveller asked the reason for such scenes, where now all is peace, the answer might be given in one word —Politics.

To the young, politics seems rather a stupid

sort of game played by the bald and obese middle-aged, for very high stakes, and governed by no rules that any player is bound to respect. Between the rival teams no difference is observable, save that one enjoys the sweets of office and the mouth of the other is watering for them. But this is, of course, the hasty judgment of uncharitable youth. The struggle between political parties in Canada arose in the past from a difference in political principles. It was a difference that could be defined; it could be put into plain words. On the one side and the other the guiding ideas could be formulated; they could be defended and they could be attacked in logical debate. Sometimes it might pass the wit of man to explain the difference between the Ins and the Outs. Sometimes politics may be a game; but often it has been a battle. In support of their political principles the strongest passions of men have been aroused, and their deepest convictions of right and wrong. The things by which men live, their religious creeds, their pride of race, have been enlisted on the one side and the other. This is true of Canadian politics.

That ominous date, 1837, marks a certain climax or culmination in the political develop-

ment of Canada. The constitution of the country now works with so little friction that those who have not read history assume that it must always have worked so. There is a real danger in forgetting that, not so very long ago, the whole machinery of government in one province broke down, that for months, if not for years, it looked as if civil government in Lower Canada had come to an end, as if the colonial system of Britain had failed beyond all hope. *Deus nobis haec otia fecit.* But Canada's present tranquillity did not come about by miracle; it came about through the efforts of faulty men contending for political principles in which they believed and for which they were even ready to die. The rebellions of 1837 in Upper and Lower Canada, and what led up to them, the origins and causes of these rebellions, must be understood if the subsequent warfare of parties and the evolution of the scattered colonies of British North America into the compact united Dominion of Canada are not to be a confused and meaningless tale.[1]

[1] The story of the rebellions will be found in two other volumes of the present Series, *The Family Compact* and *The Patriotes of '37*. For earlier cognate history see *The Father of British Canada* and *The United Empire Loyalists*.

Futile and pitiful as were the rebellions, whether regarded as attempts to set up new government or as military adventures, they had widespread and most serious consequences within and without the country. In Britain the news caused consternation. Two more American colonies were in revolt. Battles had been fought and British troops had been defeated. These might prove, as thought Storrow Brown, one of the leaders of the 'Sons of Liberty' in Lower Canada, so many Lexingtons, with a Saratoga and a Yorktown to follow. Sir John Colborne, the commander-in-chief, was asking for reinforcements. In Lower Canada civil government was at an end. There was danger of international complications. For disorders almost without precedent the British parliament found an almost unprecedented remedy. It invested one man with extraordinary powers. He was to be captain-general and commander-in-chief over the provinces of British North America, and also 'High Commissioner for the adjustment of certain important questions depending in the . . . Provinces of Lower and Upper Canada respecting the form and future government of the said Provinces.' He was given 'full power and authority . . . by

all lawful ways and means, to inquire into, and, as far as may be possible, to adjust all questions . . . respecting the Form and Administration of the Civil Government' of the provinces as aforesaid. These extraordinary powers were conferred upon a distinguished politician in the name of the young Queen Victoria and during her pleasure. The usual and formal language of the commission, 'especial trust and confidence in the courage, prudence, and loyalty' of the commissioner, has in this case deep meaning; for courage, prudence, and loyalty were all needed, and were all to be put to the test.

The man born for the crisis was a type of a class hardly to be understood by the Canadian democracy. He was an aristocratic radical. His recently acquired title, Lord Durham, must not be allowed to obscure the fact that he was a Lambton, the head of an old county family, which was entitled by its long descent to look down upon half the House of Peers as parvenus. At the family seat, Lambton Castle, in the county of Durham, Lambton after Lambton had lived and reigned like a petty prince. There John George was born in August 1792. His father had been a Whig, a consistent friend of Charles James

Fox, at a time when opposition to the government, owing to the wars with France, meant social ostracism; and he had refused a peerage. The son had enjoyed the usual advantages of the young Englishman in his position. He had been educated at Eton and at the university of Cambridge. Three years in a crack cavalry regiment at a time when all England was under arms could have done little to lessen his feeling for his caste. A Gretna Green marriage with an heiress, while he was yet a minor, is characteristic of his impetuous temperament, as is also a duel which he fought with a Mr Beaumont in 1820 during the heat of an election contest. After the period of political reaction following Waterloo, reaction in which all Europe shared, England proceeded on the path of reform towards a modified democracy; and Lambton, entering parliament at the lucky moment, found himself on the crest of the wave. His Whig principles had gained the victory; and his personal ability and energy set him among the leaders of the new reform movement. He was a son-in-law of Earl Grey, the author of the Reform Bill of 1832, and he became a member of the Grey Cabinet. Before the Canadian crisis he had shown his

THE EARL OF DURHAM

After the painting by Sir Thomas Lawrence

ability to cope with a difficult situation in a diplomatic mission to Russia, where he is said to have succeeded by the exercise of tact. He was nicknamed 'Radical Jack,' but any one less 'democratic,' as the term is commonly understood, it would be hard to find. He surrounded himself with almost regal state during his brief overlordship of Canada. In Quebec, at the Castle of St Louis, he lived like a prince. Many tales are told of his arrogant self-assertion and hauteur. In person he was strikingly handsome. Lawrence painted him when a boy. He was an able public speaker. He had a fiery temper which made co-operation with him almost impossible, and which his weak health no doubt aggravated. He was vain and ambitious. But he was gifted with powers of political insight. He possessed a febrile energy and an earnest desire to serve the common weal. Such was the physician chosen by the British government to cure the cankers of misrule and disaffection in the body politic of Canada.

Lord Durham received his commission in March 1838. But, though the need was urgent for prompt action, he did not immediately set out for Canada. For the delay

he was criticized by his political opponents, particularly by Lord Brougham, once his friend, but now his bitterest enemy. On the twenty-fourth of April, however, Durham sailed from Plymouth in H.M.S. *Hastings* with a party of twenty-two persons. Besides his military aides for decorative purposes, he brought in his suite some of the best brains of the time, Thomas Turton, Edward Gibbon Wakefield, and Carlyle's gigantic pupil, Charles Buller. It is characteristic of Durham that he should bring a band of music with him and that he should work his secretaries hard all the way across the Atlantic. On the twenty-ninth of May the *Hastings* was at Quebec. Lord Durham was received by the acting administrator, Sir John Colborne, and conducted through the crowded streets between a double hedge of soldiery to the Castle of St Louis, the vice-regal residence.

If Durham had been slow in setting out for the scene of his labours, he wasted no time in attacking his problems upon his arrival in Canada. 'Princely in his style of living, indefatigable in business, energetic and decided, though haughty in manner, and desirous to benefit the Canadas,' is the judg-

ment of a contemporary upon the new ruler. On the day he was sworn to office he issued his first proclamation. Its most significant statements are: 'The honest and conscientious advocates of reform . . . will receive from me, without distinction of party, race, or politics, that assistance and encouragement which their patriotism has a right to command . . . but the disturbers of the public peace, the violators of the law, the enemies of the Crown and of the British Empire will find in me an uncompromising opponent, determined to put in force against them all the powers civil and military with which I have been invested.' It was a policy of firmness united to conciliation that Durham announced. He came bearing the sheathed sword in one hand and the olive branch in the other. The proclamation was well received; the Canadians were ready to accept him as 'a friend and arbitrator.' He was to earn the right to both titles.

Durham was determined to begin with a clean slate. With a characteristic disregard for precedent, he dismissed the existing Executive Council as well as Colborne's special band of advisers, and formed two new councils in their place, consisting of

members of his personal staff, military officers, Canadian judges, the provincial secretary, and the commissary-general. Together they formed a committee of investigation and advice; and, being composed of both local and non-local elements, it was a committee specially fitted to supply the necessary information, and to judge all questions dispassionately from an outside point of view. This committee acting with the High Commissioner took the place of regular constitutional government in Lower Canada. It was an arbitrary makeshift adopted to meet a crisis.

During the long, tedious voyage of the *Hastings* the High Commissioner had not been idle. He had worked steadily for many hours a day at the knotty Canadian question, studying papers, drafting plans, discussing point after point with his secretaries. Once in the country, he set to work in the most thoroughgoing and systematic way to gather further knowledge. He appointed commissions to report on all special problems of government—education, immigration, municipal government, the management of the crown lands. He obtained reports from all sources; he conferred with men of all shades

of political opinion; he called representative deputations from the uttermost regions under his sway; he made a flying visit to Niagara in order to see the country with his own eyes and to study conditions. Such labours were beyond the capacity of any one man; but Durham was ably supported by his band of loyal helpers and a public eager to co-operate. The result of all this activity was the amassing of the priceless data from which was formed the great document known as Lord Durham's Report.

It is generally overlooked that at this period Canada stood in danger from external as well as internal enemies. Hardly had Durham landed at Quebec when there occurred a series of incidents which might have led to war between Great Britain and the United States. A Canadian passenger steamer, the *Sir Robert Peel*, sailing from Prescott to Kingston, was boarded at Wells Island by one 'Bill' Johnson and a band of armed men with blackened faces. The passengers and crew were put ashore without their effects, and the steamer was set on fire and destroyed. Very soon afterwards an American passenger steamer was fired on by over-zealous sentries at Brockville. Together

the twin outrages were almost enough, in the state of feeling on both sides, to set the Empire and the Republic by the ears.

The significance of these and other similar incidents can only be understood by recalling the mental attitude of Americans of the day. They had a robust detestation of everything British. It is not grossly exaggerated by Dickens in *Martin Chuzzlewit*. And that attitude was entirely natural. The Americans had, or thought they had, beaten the British in two wars. The very reason for the existence of their nation was their opposition to British tyranny. They saw that tyranny in all its balefulness blighting the two Canadas. They saw those oppressed colonies rising, as they themselves had risen, against their oppressors. To make the danger all the more acute, the exiled Canadians, notably William Lyon Mackenzie, went from place to place in the United States inciting the freeborn citizens of the Republic to aid the cause of freedom across the line. There was precedent for intervention. Just a year before the fight at St Charles, an American hero, Sam Houston, had wrested the huge state of Texas from the misrule of Mexico and founded a new and independent republic.

Hence arose the huge conspiracy of the 'Hunters' Lodges' all along the northern border of the United States, of which more in the next chapter.

Durham took prompt action. He offered a reward of a thousand pounds for such information as should bring the guilty persons to trial in an American, not a Canadian, court. Thereby he said in effect, 'This is not an international affair. It is a plain offence against the laws of the United States, and I am confident that the United States desires to prevent such outrages.' He followed up this bold declaration of faith in American justice by sending his brother-in-law, Colonel Grey of the 71st Regiment, to Washington to lay the facts before President Van Buren and to remonstrate vigorously against the laxity which permitted an armed force to organize within the borders of the Republic for an attack upon its peaceful neighbour. Such laxity was against the law of nations. As a result of Durham's spirited action, the military forces on both sides of the boundary-line worked in concert to put down such lawlessness. President Van Buren's attitude, however, cost him his popularity in his own country.

The most pressing and most thorny question was how to deal with the hundreds of prisoners who, since the rebellion, had filled the Canadian jails. A large number of these were only suspected of treason; some had been taken in the act of rebellion; and some were confined as ringleaders, charged with crimes no government could overlook and hope to survive. In some countries the solution would have been a simple one: the prisoners would have been backed against the nearest wall and fusilladed in batches, as the Communists were dealt with in Paris in the red quarter of the year 1871. Even in Canada there were hideous cries for bloody reprisals. But the ingrained British habit of giving the worst criminal a fair trial blocked such a ready and easy way of restoring tranquillity. Still, a fair trial was impossible. In the temper then prevailing in the province no French jury would condemn, no English jury would acquit, a Frenchman charged with treason, however great or slight his fault might prove to be. The process of trying so many hundreds of prisoners would be simply so many examples of the law's burdensome delay. To leave them to rot in prison, as King Bomba left political offenders

against his rule, was unthinkable. Durham met the difficulty in a bold and merciful way. The young Queen was crowned on June 28, 1838. Such an event is always a season of rejoicing and an opportunity for exercising the royal clemency in the liberation of captives. Following this excellent custom, Durham proclaimed on that day an amnesty in his sovereign's name; and, in a month after his arrival, he gave freedom to hundreds of unfortunates, who had endured many hardships in the old, cruel jails of the time, in addition to the tortures of suspense as to their ultimate fate.

There were some who could not be so released. They were only eight in number, but they were such men as Wolfred Nelson and Robert Bouchette, whose treason was open and notorious. They knew, and Durham knew, that they could not obtain a fair trial. Therefore the High Commissioner overleapt the law, and by an ordinance banished these ringleaders to Bermuda during Her Majesty's pleasure. Durham was much pleased at this happy solution of a difficult and delicate problem. He congratulated himself, as well he might, on having terminated a rebellion without shedding a drop of blood. 'The

guilty have received justice, the misguided, mercy,' he wrote to the Queen, 'but at the same time, security is afforded to the loyal and peaceable subjects of this hitherto distracted Province.' Furthermore, his proceedings had been 'approved by all parties —Sir J. Colborne and all the British party, the Canadians and all the French party.' Durham fancied that this question was now settled, and that he could proceed unhampered with his main task of reconstruction. But his justifiable satisfaction was not to last long.

While the High Commissioner was labouring in Canada, as few officials have ever laboured, for the good of the Empire, his enemies and his lukewarm friends in England were between them preparing his downfall. Of his foes, the most bitter and unscrupulous was Brougham, a political Ishmael, a curious compound of malignity and versatile intellectual power. He had criticized Durham's delay in starting for Canada; and he was only too glad of the handle which the autocratic, czar-like ordinance of banishment to Bermuda offered him against his enemy. It is nearly always in the power of a party politician to distort and misrepresent the act

of an opponent, however just or blameless that act may be. Brougham made a great pother about the rights of freemen, usurpation, dictatorship. As a lawyer he raised the legal point, that Durham could not banish offenders from Canada to a colony over which he had no jurisdiction. He enlisted other lawyers on his side to attack the composition of Durham's council. The storm Brougham raised might have done no harm, if Durham's political allies had stood by him like men. But the prime minister Melbourne, always a timorous friend, bent before the blast, and Durham's ordinance was disallowed. The High Commissioner, who had been granted such great powers, was held to have exceeded those powers. Durham belonged to the caste which felt a stain upon its honour like a wound. The disallowance of his ordinance by the home authorities was a blow fair in the face. It put an end to his career in Canada, by undermining his authority. In those days of slow communication the news of the disallowance reached him tardily. By a side wind, from an American newspaper, he first learned the fact on the twenty-fifth of September. He at once sent in his resignation, told the

Melbourne ministry

people of Canada the reason why in a proclamation, and as soon as possible left the country for ever. Brougham was burned in effigy at Quebec. The lucky eight, already in Bermuda, were speedily released. Never did leaders of an unsuccessful rebellion suffer less for their indiscretion. From Bermuda they proceeded to New York to renew their agitation. On the first of November Durham left Quebec, as he had entered that city, with all the pomp of military pageantry and in a universal display of public interest. He came in a crisis; he left amid a crisis. He had spent five months in office, almost the exact term for which the Romans chose their chief magistrate in a national emergency and named him dictator.

In the eyes of Durham's enemies his ordinance of banishment was a ukase; and, at first blush, it looks like an unwarrantable stretching of his powers. But Durham was on the ground and must necessarily have known the conditions prevailing much better than his critics three thousand miles away. Desperate diseases need desperate remedies. The presumption is always that the man on the ground will be right; and posterity has

passed a final judgment of approval on Durham's bold slashing of the Gordian knot. New facts have set the whole matter in a new light. A paper of Buller's,[1] hitherto unpublished, shows that the ordinance was promulgated *only after consultation with the prisoners*. 'The prisoners who expected the government to avail itself of its power of packing a jury were very ready to petition to be disposed of without trial, and as I had in the meantime ascertained that the proposed mode of dealing with them would not be condemned by the leading men of the British party, Lord Durham adopted the plan proposed.' They regarded banishment as an unexpected mercy, as well they might. The only alternative was the dock, the condemned cell, and the gallows.

On the thirtieth of November Durham landed at Plymouth, and by the middle of the following January he had finished his Report. Early in February it was printed and laid before the House of Commons. The

[1] A sketch of Lord Durham's mission to Canada in 1838, by Charles Buller. See the edition of Lord Durham's Report edited, with an introduction, by Sir C. P. Lucas: Oxford, 1912. The original document was given to Dr Arthur G. Doughty, Dominion Archivist, by the present Earl of Durham.

curious legend which credits Buller with the authorship is traceable to Brougham's spite. Macaulay and Brougham met in a London street. The great Whig historian praised the Report. Brougham belittled it. 'The matter,' he averred, 'came from a felon, the style from a coxcomb, and the Dictator furnished only six letters, D-u-r-h-a-m.' The whole question has been carefully discussed by Stuart J. Reid in his *Life and Letters of the First Earl of Durham*, and the myth has been given its quietus. Even if direct external evidence were lacking, a dispassionate examination of the document itself would dispose of the legend. In style, temper, and method it is in the closest agreement with Durham's public dispatches and private letters.

The drafting of this most notable of state papers was the last of Durham's services to the Empire. A little more than a year later he was dead and laid to rest in his own county. Fifty thousand people attended his funeral. A mausoleum in the form of a Greek temple marks his grave. The funds for this monument were raised by public subscription, such was the force of popular esteem. His dying words were prophetic: 'Canada will one day do justice to my memory.'

The Report was Durham's legacy to his country. It defined once for all the principles that should govern the relations of the colony with the mother country, and laid the foundations of the present Canadian unity. It did not please the factions in Canada; it was too plain-spoken. Exception may be taken, even at the present day, to some of its recommendations and conclusions. But its faithful pictures of 'this hitherto turbulent colony' enable the historical student and the honest patriot to measure the progress the country has since made on the road to nationhood. If unpleasant, it is very easy reading. Few parliamentary reports are closer packed with vital facts or couched in clearer language. To the task of its composition the author brought energy, insight, a sense of public duty, a desire to be fair, and, best of all, an open mind, a perfect readiness to relinquish prepossessions or prejudices in the face of fresh facts. His ample scheme of investigation, as carried out by himself and his corps of able helpers, had put him in control of a huge assemblage of data. On this he reasoned with admirable results.

The Report consists of four parts. The

first, and by far the largest, portion deals with Lower Canada, as the main storm centre. The second is concerned with Upper Canada; the third, with the Maritime Provinces and Newfoundland. Having diagnosed the disease in the body politic, Durham proposes a remedy. The fourth part is an outline of the curative process suggested.

'I expected to find a contest between a government and a people; I found two nations warring in the bosom of a single state.' In that one sentence Durham precises the situation in Lower Canada. Nothing will surprise the Canadian of to-day more than the evidence adduced of 'the deadly animosity' which then existed between the two races. The very children in the streets fought, French against English. Social intercourse between the two was impossible. The Report shows the historical origin and carefully traces the course of this 'deadly animosity.' It finds much to admire in the character of the French habitant, but spares neither his faults nor the shortcomings of his political leaders. It shows that the original racial quarrel was aggravated by the conduct of the governing officials, both at home and in Canada, until the French took up arms.

The consequences were 'evils which no civilized community can long continue to bear.' There must be a 'decision'; and it must be 'prompt and final.'

In Upper Canada Durham found a different situation. There the people were not 'slavish tools of a narrow official clique or a few purse-proud merchants,' but 'hardy farmers and humble mechanics composing a very independent, not very manageable, and sometimes a rather turbulent democracy.' The trouble was that a small party had secured a monopoly of power and resisted the lawful efforts of moderate reformers to establish a truly democratic form of government. Ill-balanced extremists had taken up arms; but the sound political instinct of the vast majority was against them. Here, too, the original difficulties had been complicated by official ignorance in England and the unwisdom of authorities on the spot. The result was that these 'ample and fertile territories' were in a backward, almost desperate, condition. Their poverty and stagnation were a depressing contrast to the prosperity and exhilarating stir of the great American democracy.

The other outlying provinces presented no

such serious problems. There were various anomalies and difficulties; but they were on their way to removal.

The 'evils which no civilized community could bear' were to be cured by a legislative union of the Canadas. The time had gone by for a federal union. A door must be either open or shut; the French province must become definitely a British province and find its place in the Empire. To end the everlasting deadlock between the governor and the representatives of the people, the Executive should be made responsible to the Assembly; and, in order to bring the scattered provinces closer together, an inter-colonial railway should be built. In other words, the obsolete, bad system of colonial government must undergo radical reform, both within and without, because 'while the present state of things is allowed to last, the actual inhabitants of these provinces have no security for person or property, no enjoyment of what they possess, no stimulus to industry.'

The story of how this reform was undertaken, and of how, in spite of many obstacles, it was brought to a triumphant success, must always remain one of the most important chapters in the political history of Canada.

CHAPTER II

POULETT THOMSON, PEACEMAKER

WOUNDED and angry at what he considered an intolerable affront, Durham had placed the reins of government in the firm hands of that fine old soldier, Sir John Colborne, and had gone to speak with his enemies in the gate. Not only was the cause of Canada left bleeding; but as soon as Durham's back was turned, rebellion broke out once more. This second outbreak arose from the support afforded the Canadian revolutionists by American 'sympathizers.' The full story of the 'Hunters' Lodges' has never been told, and the sentiment animating that organization has been quite naturally misunderstood and misrepresented by Canadian historians. In the thirties of the nineteenth century western New York was the 'frontier,' and it was peopled by wild, illiterate frontiersmen, familiar with the use of the rifle and the bowie-knife, bred in the Revolutionary tradi-

tion and nourished on Fourth of July oratory to a hatred of everything British. The memories of 1812 were fresh in every mind. These simple souls were told by their own leaders and by political refugees from Canada, as we have noted in a former chapter, that the two provinces were groaning under the yoke of the 'bloody Queen of England,' that they were seething with discontent, that all they needed was a little assistance from free, chivalrous Americans and the oppressed colonists would shake off British tyranny for ever. Appeal was made to less exalted sentiment. Each patriot was to receive a handsome grant of land in the newly gained territory. Accordingly, in the spring and summer of 1838, a large scheme to give armed support to the republicans of Canada was secretly organized all along the northern boundary of the United States. It was a secret society of 'Hunters' Lodges,' with ritual, passwords, degrees. Each 'Lodge,' was an independent local body, but a band of organizers kept control of the whole series from New York to Detroit. The 'Hunters' are uniformly called 'brigands' and 'banditti' by the British regular officers who fought them, and the terms have been

handed on without critical examination by Canadian historians; but not with justice. Misled though they were, the 'Hunters' looked upon Canada only as Englishmen looked upon Greece, or Poland, or Italy struggling for political freedom: the sentiment, though misdirected, was anything but ignoble. Acting upon this sentiment, a Polish refugee, Von Shoultz, led a small force of 'Hunters,' boys and young men from New York State, in an attack on Prescott, November 10, 1838. He succeeded in surprising the town and in establishing himself in a strong position in and about the old windmill, which is now the light-house. His position was technically a 'bridge-head,' and he defeated with heavy loss the first attempt to turn him out of it. If he had been properly supported from the American side of the river, and if the Canadians had really been ready to rise *en masse* as he had been led to believe, the history of Canada might have been changed. As it was, the invaders were cut off, and, on the threat of bombardment with heavy guns, surrendered. Their leader paid for his mistaken chivalry with his life on the gallows within old Fort Henry at Kingston; and,

in recognition of his error, he left in his will a sum of money to benefit the families of those on the British side who had lost their lives through his invasion. Of his followers, some were hanged, some were transported to Tasmania, and some were set free. During that winter the 'Hunters' made various other attacks along the border, which were defeated with little effort. Though now the danger seems to have been slight, it did not seem slight to the rulers of the Canadas at that time. The numbers and the power of the 'Hunters' were not known; the sympathy of the American people was with them, especially while the filibusters were being tried at drum-head court-martial and hanged; and there was imminent danger of the United States being hurried by popular clamour into a war with Great Britain.

All through the summer of 1838 the rebel leaders in the United States had been plotting for a new insurrection. They were by no means convinced that their cause was lost. Disaffection was kept alive in parts of Lower Canada and the habitants were fed with hopes that the armed assistance of American sympathizers would ensure success for a second attempt at independence. It may be

the sheerest accident of dates; but Durham took ship at Quebec on the first of November, and Dr Robert Nelson was declared president of the Canadian republic at Napierville on the fourth. A copy of Nelson's proclamation preserved in the Archives at Ottawa furnishes clear evidence of the aims and intentions of the Canadian radicals: they wanted nothing less than a separate, independent republic, and they solemnly renounced allegiance to Great Britain. At two points near the American boundary-line, Napierville and Odelltown, the loyal militia and regulars clashed with the rebels and dispersed them. Once more the jails were filled, which the mercy of Durham had emptied. Once more the cry was raised for rebel blood, and the winter sky was red with the flame of burning houses which had sheltered the insurgents. Hundreds of French Canadians fled across the border; and from this year dates the immigration from Quebec into New England which has had such an influence on its manufacturing cities and such a reaction on the population which remained at home. Another fruit of this ill-starred rebellion was the haunting dirge of Gérin-Lajoie, *Un Canadien errant*. Twelve of the leaders were

tried for treason, were found guilty, and were hanged in Montreal. Some of these had been pardoned once for their part in the rising of the previous year; some were implicated in plain murder; all were guilty; but the chill deliberate formalities of the gallows, the sufferings of the wretched men, their bearing on the scaffold, the vain efforts to obtain reprieve, produced a strong revulsion of popular feeling in their favour. By the common law of nations they were traitors; but they are still named and accounted 'patriots.'

At Toronto, Lount and Matthews, two of the rebel leaders of Upper Canada, were hanged in the jail-yard on April 12, 1839. A petition for mercy was set aside; Lount's wife on her knees begged the lieutenant-governor to spare her husband's life, but in vain. Here, too, public feeling was chiefly pity for the unfortunate. But these executions did not satisfy the extremists. The lieutenant-governor, Sir George Arthur, who had long been governor of the penal settlement in Tasmania, was avowedly in favour of further severities; and vengeful loyalists clamoured in support. All Durham's work seemed undone. The political outlook of

the Canadas in 1839 was, if anything, darker and more hopeless than it had been two years before.

Almost as grave as the political condition of the country was the financial situation. The rebellions of '37 coincided with a widespread financial crisis in the United States, which had its inevitable reaction upon all business in Canada, and matters had gone from bad to worse. By the summer of 1839 Upper Canada—the present rich and prosperous Ontario—was on the verge of bankruptcy. The reason lay in the ambition of this province. The first roads into any new country are the rivers. Therefore the population of Canada first followed and settled along the ancient waterway of the St Lawrence and the Great Lakes. But this wonderful highway was blocked here and there by natural obstacles to navigation, long series of rapids and the giant escarpment of Niagara. To overcome these obstacles the costly Cornwall and Welland canals had been projected and built. The money for such vast public works was not to be found in a new country in the pioneer stage of development; it had to be borrowed outside; and the annual interest on these borrowings amounted

to £75,000, more than half the annual income of the province. And this huge interest charge was met by the disastrous policy of further borrowings. After Poulett Thomson, Durham's successor, became acquainted with Upper Canada—'the finest country I ever saw,' wrote the man who had seen all Europe—he testified: 'The finances are more deranged than we believed in England. . . . All public works suspended. Emigration going on fast *from* the province. Every man's property worth only half what it was.' Decidedly the political and financial problems of Canada demanded the highest skill for their solution.

While things had come to this pass in Canada, Lord Durham's Report on Canada had been presented to the British House of Commons and its proposals of reform had been made known to the British public. It revealed the incompetency of Lord Glenelg as colonial secretary; he resigned and made way for Lord John Russell, who was in hearty accord with the principles and recommendations of the Report. The chief recommendation was that the only possible solution of the Canadian problem lay in the political union of the two provinces. At first the British

government was inclined to bring about this desirable end by direct Imperial fiat, but in view of the determined opposition of Upper Canada, it wisely decided to obtain the consent of the two provinces themselves to a new status, and to induce them, if possible, to unite of their own motion in a new political entity. The essential thing was to obtain the consent of the governed; but they were turbulent, torn by factions, and hard to bring to reason.

For a task of such difficulty and delicacy no ordinary man was required. Sir John Colborne was not equal to it; he was a plain soldier, but no diplomat. He was raised to the peerage as Lord Seaton and transferred. A second High Commissioner, with practically the powers of a dictator, was appointed governor-general in his stead. This was a young parliamentarian, of antecedents, training, and outlook very different from those of his predecessors. Instead of the Army or the county family, the new governor-general represented the dignity of old-fashioned London mercantile life. Charles Poulett Thomson had been in trade; he had been a partner in the firm of Thomson, Bonar and Co., tallow-chandlers. Now tallow-chandlery is not

generally regarded as a very exalted form of business, or the gateway to high position; but in the days of candles it was a business of the first importance. Candles were then the only light for the stately homes of England, the House of Commons, the theatres. The battle-lanterns of Britain's thousand ships were lit by candles. Supplies of tallow must be fetched from far lands, such as Russia. And this business formed the governor-general of Canada. As a boy in his teens he was sent into the counting-house, an apprentice to commerce, and so he escaped the 'education of a gentleman' in the brutal public schools and the degenerate universities of the time. Business in those days had a sort of sanctity and was governed by punctilious—almost religious—routine. In the interests of the business he travelled, while young and impressionable, to Russia, and mixed to his advantage with the cosmopolitan society of the capital. Ill-health drove him to the south of France and Italy, where he resided for two years. His was the rare nature which really profits by travel. Thus, in a nation of one tongue, he became a fluent speaker of several European languages; and, in a nation which prides itself on being blunt

LORD SYDENHAM

From an engraving by G. Browning in M'Gill University Library

and plain, he was noted for his suave, pleasing, 'foreign' manners. Poulett Thomson became, in fact, a thorough man of the world, with well-defined ambitions. He left business and entered politics as a thoroughgoing Liberal and a convinced free-trader long before free trade became England's national policy. Another title to distinction was his friendship with Bentham, who assisted personally in the canvass when Thomson stood for Dover. From 1830 onwards he was intimately associated with the leaders of reform. He was a friend of Durham's, and they had worked together in negotiating a commercial treaty with France. Continuity in the new Canadian policy was assured by personal consultations with Durham before Thomson started on his mission. 'Poulett Thomson's policy was based on the Durham Report, and most of his schemes in regard to Canada were devised under Durham's own roof in Cleveland Row.'

Business, travel, and politics combined to form the character of Poulett Thomson. His well-merited titles, Baron Sydenham and Toronto, tend to obscure the fact that he was essentially a member of the great middle class, a civilian who had never worn a sword or

a military uniform. He represented that element in English life which is always enriching the House of Peers by the addition of sheer intellectual eminence, like that of Tennyson and Kelvin. He had a sense of humour, a quality of which Head and Durham were devoid. He was amused when he was not bored by the pomp attending his position. 'The worst part of the thing to me, individually, is the ceremonial,' he writes. 'The *bore* of this is unspeakable. Fancy having to stand for an hour and a half bowing, and then to sit with one's cocked hat on, receiving addresses.' In person Thomson was small, slight, elegant, fragile-looking, with a notably handsome face. He was one of those clever, agreeable, plausible, managing little men who seem always to get their own way. They are very adroit and not too scrupulous about the means they use to attain their ends. They have that absolute belief in themselves which their friends call self-confidence and their enemies conceit.

Thomson came to his arduous task brimming with ambition and belief in his ability to cope with it. He realized to the full the difficulty of the problem set him and

the credit which would accrue if he solved it. 'After fifteen years,' a friend wrote, 'you have now the golden opportunity of settling the affairs of Canada upon a safe and firm footing, ensuring good government to the people, and securing ample power to the Crown.' He was fully aware of this himself. 'It is a *great field* too,' he notes in his private Journal, 'if I can bring about the union of the provinces and stay for a year to meet the united assembly and set them to work'; and he contrasts the opportunity for distinction offered by the Canadian imbroglio with the tame possibilities of a subordinate position in the Cabinet, which would be his fate if he remained in England.

The new governor-general reached Quebec in H.M.S. *Pique* on October 17, 1839, after a stormy passage of thirty-three days. His first task in Canada was the same as Durham's —to acquaint himself with the actual conditions—and he flung himself into it with equal energy. Like Durham, too, he was ably assisted by capable men on his staff, notably T. W. C. Murdoch, his civil secretary, and James Stuart, the chief justice of Lower Canada. From the very first he won golden

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opinions from all sorts of persons. The tone of his proclamations, the courtesy and tact of his public utterances, his personal charm made him speedily popular. The party of Reform was conciliated because he was known to be in sympathy with the principles of Lord Durham's Report, while the Conservatives were pleased with his avowed purpose of strengthening the bonds between the colony and the mother country. Lower Canada was still a province without a constitution; but it must have some machinery of government. A makeshift for regular government was provided by a Legislative Council of fourteen persons of importance appointed by Sir John Colborne. Their agreement to the principles of union was soon obtained. The province now seemed tranquil and the governor-general hurried on to Upper Canada. His account of his journey from Montreal to Kingston—the changes and stoppages, the varieties of conveyance—illustrates vividly the difficulties of travel in those days.

At Toronto Thomson found a totally different set of conditions. Here was a constitution functioning and a legislature in session; but what a legislature! Split into half a dozen little cliques and factions, it was

trying to work with no cabinet, no opposition, no party system—an ideal state of things to which some critics of present conditions would like to return. The office-holders, that is, the members of the government, took opposite sides in debate. The Assembly was a house divided and sub-divided against itself. There was a widespread and persistent clamour for 'responsible government,' but no one knew precisely what was meant by it. Who was to be 'responsible'? for what? and to whom? How was it possible to make the local government 'responsible' to the people of the colony without reducing the governor to a figure-head? If his authority were reduced to a shadow, what became of the 'prerogative' and British connection? Was not 'responsible government' simply the prelude to the absolute separation of the colony from the mother country? Then there was the question of the Clergy Reserves agitating every colonial breast. One-seventh of the public domain had been set aside for the support of a favoured church: a plain case of monopoly and privilege, said some; a wise provision for the maintenance of religion, said others. And the shadow of bankruptcy was

hanging over the unhappy colony. The situation was one of the utmost difficulty, calling for an almost superhuman combination of ability, tact, and firmness. Here, as in Lower Canada, the governor-general's first effort was to obtain the consent of the people's representatives to the great change in the status of the province which the union would involve. He carried his point by meeting men and discussing the project with them—a process of education. Although there was some opposition on various grounds, reasonable and unreasonable, the Assembly finally consented to the following terms: first, each province was to have an equal number of representatives; secondly, a sufficient civil list was to be granted; thirdly, the debt incurred by Upper Canada for public works of common interest should be charged upon the revenue of the new united province. These terms could not be called ideal, especially in regard to Lower Canada; but union was the only alternative to benevolent despotism or civil war. In bringing the legislature of Upper Canada to consent to these terms Thomson had the valuable aid of the cohort of Moderate Reformers led by Baldwin and Hincks.

No inconsiderable part of the governor-general's task was a campaign of education in the *A B C* of responsible government. Those elementary ideas of party government now regarded as axiomatic had to be taught painfully to our rude forefathers in legislation. That the government should have a definite head or leader in the Assembly, who should speak for the government, introduce and defend its measures; that the officials of the government other than those holding permanent posts should form one body—a ministry—which should automatically relinquish office and power when it could no longer command a majority in the legislature, were practically new and by no means welcome ideas to the old-time law-makers of Canada. The natural corollary that the opposition also should be organized under a definite leader, who, on defeating the government, should assume the responsibility of forming a cabinet, was equally novel. Such a check on reckless criticism was sadly needed. Of the process by which Thomson achieved his ends even his fullest biography gives little information. There must have been endless conferences of homespun, honest farmers like Willson, men of breeding like

Robinson, brilliant lawyers like Sullivan, plain soldiers like MacNab, with the little, sickly, understanding governor of the brilliant eyes, the charming manner, and the persuasive tongue. Of all the varied explaining, discussing, initiating, little record remains. But the work was done and the results are manifest to the world. The persuasive little man succeeded in persuading the law-makers of Upper Canada that the way out of their difficulties lay not through division but through union. He persuaded them to a change of status which was a reversal to the old status prior to the Constitutional Act, and also a prelude to that larger union of the British colonies in North America which was destined to embrace half the continent.

Having succeeded almost beyond belief in the first part of his mission, Thomson turned his attention to the next vexed question. This was the question of the Clergy Reserves. On this subject much ink had been spilt and much hard feeling engendered; and it still provokes not a little ill-directed sarcasm. The whole matter is in danger of being misunderstood, and eighteenth-century law-makers are blamed for not possessing ideas a hundred years ahead of their times.

By the terms of the Constitutional Act of 1791 one-seventh of the public lands thereafter to be granted were devoted to 'the Support and Maintenance of a Protestant Clergy.' The provision was due, it seems, to the king himself, pious, homely 'Farmer George'; and to men of his mind no provision could have seemed more natural or right. 'Establishment' had been the rule from time immemorial. The Church of England was 'established,' that is, provided by law with an income in England, in Wales, and in Ireland. The 'Kirk' was similarly 'established' in Scotland. In British America itself the Church of Rome was 'established' very firmly in Lower Canada. What could be more natural for a Protestant monarch than to make provision for a 'Protestant Clergy' in a British colony settled by British immigrants, and purchased with such outpouring of British blood and British treasure? And what more ready and easy way could be found of providing for that 'clergy' than by endowing it with waste lands which taxed no one and which would increase in value as the country became settled? In its essence this endowment was a recognition of the value of the Christian religion in preserving

the state. But trouble arose almost at once in the interpretation of the terms 'Protestant' and 'clergy.' Was not the Church of Scotland 'Protestant' as well as the Church of England? Were not the various species of 'Dissenters' also the most vigorous of 'Protestants'? On the other side it was asked, Was not the term 'clergy' applied exclusively to the ministers of the Church of England? It could not apply to any religious teachers outside the pale; those outside the pale never dreamed of applying it to themselves. Naturally other denominations wished to share in this most generous endowment; and quite as naturally the Church of England desired to stand by the letter of the law and hold what it had of legal right. Some extremists opposed any and all establishments, holding that the church should be independent of the state. Let the endowment be used for the sorely pinched cause of education, and let the ministers of all denominations depend solely on the Christian liberality of their people. Perhaps the extremists were in closest touch with the genius of the new land and the new institutions growing up in it. To the plain man in the pioneer settlement there seemed something feudal, something

unjust, in creating a privileged church at the expense of all other churches. Pioneer life brings men back to primal realities. To the settler in the log-hut the externals of religion are apt to fade until all churches seem to be much the same: to set one above all the others seems in his eyes so unjust as to admit of no argument in its favour. Besides, he had a very real grievance: the reserved unoccupied lands interfered with his well-being; they came between farm and farm, increased his taxation, and prevented the making of the needful roads. How was he to get to market? to fetch supplies? To-day few will be found to argue for a state church; but it was not so in the twenties and thirties of the last century. The battle raged loud and long; and pamphleteer rent pamphleteer in endless, wordy warfare.

By 1817 the grievance had become clamant; and when that inquisitive agitator, Robert Gourlay, asked the farmers of Upper Canada what hindered settlement, he received the answer—Clergy Reserves. Two years later the Assembly asked for a return of the lands leased and the revenue derived from them. Up to this time the annual revenue had not exceeded £700. In the same

year, 1819, the 'Kirk' parish of Niagara applied for a grant of £100, and the law-officers of the Crown supported the claim. This decision stirred up the Anglicans. They formed themselves into a corporation in each province to oversee the administration of the Clergy Reserves. Ownership in the lands was to be obtained, if obtained at all, through the establishment and endowment of separate rectories, as provided for in the original act. Why the directing minds among the Anglicans did not adopt this ready and easy method of obtaining at least the bulk of the disputed land is something of a mystery. Apparently they adopted a policy of all or none. Only in 1836, just before the outbreak of the rebellions, when political feeling was at fever pitch, did Sir John Colborne, at the bidding of Bishop Strachan, sign patents for forty-four parishes to be erected in Upper Canada. The total amount of land devoted to this purpose was seventeen thousand acres. 'This,' declared Lord Durham, 'is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the clergy of the Church of England; and it has been most warmly resented. In the opinion of many persons,

this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabated cause of discontent.'

Thomson's way of dealing with this cause of discontent did not dispose of it for ever, but it at least provided a lenitive. With the business man's respect for property and vested interests, he was opposed to the diversion of the grant from its original purpose to the support of education. He used his powers of persuasion upon 'the leading individuals among the principal religious communities.' After 'many interviews' he secured the support of the religious communities to a measure which he had prepared. By the terms of this bill the remainder of the reserved land was to be sold and the proceeds were to form a fund, the income from which should be distributed annually among the Church of England, the Church of Scotland, and other specified religious bodies, 'in proportion to their respective numbers.' This measure was not really acceptable to the Reformers, who wanted to see the land used in the cause of education; it was distasteful to the Kirk men; it was gall and wormwood to extreme Anglicans like Bishop Strachan. None the less, the personal

influence of the diplomatic, strong-willed little man carried it through; and although the Act itself was disallowed, on excellent grounds, by the Imperial government, as exceeding the powers of the provincial legislature, yet the Imperial parliament passed an Act exactly to the same effect. Thomson had applied a plaster to the sore.

His general view of the political conditions is shown in a private letter to his chief, Lord John Russell. The picture he draws is lively, unflattering, but instructive. 'I am satisfied that the mass of the people are sound—moderate in their demands and attached to British institutions; but they have been oppressed by a miserable little oligarchy on the one hand and excited by a few factious demagogues on the other. I can make a middle reforming party, I am sure, that will put down both.' The record of seventy-five years and of two wars shows the attachment of the Canadians to British institutions, and how justly the governor-general appraised the 'mass of the people.' Not less clearly did he judge the politicians of the day, their pettiness, their naïve selfishness, their disregard of rule and form, shocking all the instincts of the British man of business and

the trained parliamentary hand. 'You can form no idea,' he continues, 'of the way a Colonial Parliament transacts its business. I got them into comparative order and decency by having measures brought forward by the Government and well and steadily worked through. But when they came to their own affairs, and, above all, to money matters, there was a scene of confusion and riot of which no one in England can have any idea. Every man proposes a vote for his own job; and bills are introduced without notice and carried through *all* their stages in a quarter of an hour! One of the greatest advantages of the Union will be that it will be possible to introduce a new system of legislating, and above all, a restriction upon the initiation of money-votes. Without the last I would not give a farthing for my bill: and the change would be decidedly popular; for the members all complain that under the present system they cannot refuse to move a job for any constituent who desires it.' Canadians of the present day should study those words without flinching.

When the session was over Thomson posted back to Montreal, assembled his Special Council, and set to work, in the rôle of

benevolent despot, introducing many much-needed reforms. The wheels of government had been definitely blocked by racial hatred; the constitution was still suspended. 'There is positively no machinery of government,' Thomson wrote in a private letter. 'Everything is to be done by the governor and his secretary.' There were no heads of departments accessible. When a vacancy occurred, the practice was to appoint two men to fill it, one French and the other English. There were joint sheriffs, and joint crown surveyors, who worked against each other. Ably seconded by the chief justice Stuart, the energetic governor succeeded in reforming the procedure of the higher courts of judicature and in establishing district courts after the model of Upper Canada. Altogether, twenty-one ordinances were passed which had the force of law. They were indispensable, in Thomson's opinion, in paving the way for the Union. He was under no illusions as to his methods. 'Nothing but a despotism could have got them through. A House of Assembly, whether single or double, would have spent ten years at them,' he writes, with perfect truth.

The Maritime Provinces next claimed his

attention, as they came within the scope of his commission. In Nova Scotia, likewise, a struggle for responsible government was in progress, but with striking differences. The protagonist of the movement, Howe, was the very reverse of a separatist. He was passionately attached to Britain and British institutions, and he thought not in terms of his little province, but of the Empire. Overtopping all other politicians of his day in native power and breadth of vision, he was successful in working out the problem of responsible government by purely constitutional methods, without a symptom of rebellion, the loss of a single life or any *deus ex machina* dictator or pacificator from across the seas. Howe, indeed, was fitted to educate statesmen in the true principles of democratic government, as his famous letters to Lord John Russell testify. Howe's achievement must be compared with the failure of Mackenzie and Papineau, if his true greatness is to appear. When Thomson and he met, they found that they were at one in principle and in respect to the measures necessary to bring about the desired reforms. That month of July 1840 was a very busy one for the governor-general. He reached Halifax on the ninth and left on

the twenty-eighth for Quebec. In the meantime he had met many men, discussed many measures, gauged the situation correctly, drafted a clear memorandum of it, and made a flying visit to St John and Fredericton. He found New Brunswick happy and contented, a very oasis of peace in the howling wilderness of colonial politics. His policy was to get into personal touch with every part of his government and to see it with his own eyes. On his way back to Montreal from Quebec he made a detour through the Eastern Townships. Everywhere he increased his already great popularity.

Apart from his natural and commendable desire to inform himself by the evidence of his own eyes and ears, these tours were dictated by sound policy. The governor-general was his own minister, the approaching election was his election, the Union was his measure; so his public appearances, speeches, replies to addresses, personal interviews were all in the nature of an election tour by a modern political leader to influence public opinion, a legitimate part of his campaign. After touring the Eastern Townships he made a thorough visitation of the western province, going round by water, and

being nearly wrecked on Lake Erie and again on Lake Huron, where he found that the inland freshwater sea could be as turbulent as the Bay of Biscay. Elsewhere the Canadian autumn weather was delightful. His precarious health improved. His tour was a triumphal progress. '*All* parties,' he writes, 'uniting in addresses in every place, full of confidence in my government, and of a determination to forget their former disputes.' He adds a little pen-picture, which shows that the Canadian pioneer had a knack of impromptu pageantry which his descendants have lost. 'Escorts of two and three hundred farmers on horseback at every place from township to township, with all the etceteras of guns, music, and flags.' The governor rode a good deal himself, taking saddle-horses with him as well as a carriage. Those musical, gun-firing, flag-flying cavalcades from township to township in the pleasant autumn weather of 1840 enliven the background of a political struggle. 'What is of more importance,' continues the astute and businesslike little man, 'my candidates everywhere taken for the ensuing elections.' This western tour had an important reaction upon public opinion in Toronto, bringing the

divers factions into something like harmony for a time. Thomson himself was genuinely pleased with what he had seen of that rich, heart-shaped peninsula lying behind the moat of three inland seas, with the flowing names, Huron, Erie, Ontario. He writes in justifiable superlatives. 'You can conceive nothing finer. The most magnificent soil in the world —four feet of vegetable mould—a climate certainly the best in North America—the greater part of it admirably watered. In a word, there is land enough and capabilities enough for some millions of people and for one of the finest provinces in the world.' Half a century from the time of writing the governor's vision was realized and Ontario was the 'banner province' of the Dominion.

During that busy month of July which the governor had spent in the Maritime Provinces the Act of Union passed by the Imperial parliament had taken effect. The two provinces were proclaimed to be one province with one legislature. It was necessary to issue a new commission for the governor of the new province, and, to mark the importance of his achievement, Charles Poulett Thomson was created a peer, Baron Sydenham of Sydenham in Kent and Toronto in Canada.

One advantage of a monarchy is its ability to reward service to the state in a splendid way. Sydenham's honour was well deserved, but he was not destined to enjoy it long. His activity in no way relaxed. An essential part of the scheme of union, as he saw it, was local home rule. The country was to be divided into small self-governing units—municipalities—taxing themselves for their own necessary expenditures and controlling the revenues so raised. This is now such a familiar idea, an institution which works so well, that it is hard to conceive of Canada ever lacking it. Even more difficult to conceive is why the idea should have been opposed by the Imperial parliament so strongly that an advanced Liberal like Lord John Russell was forced to exclude it from the Act of Union. But Sydenham was not easily balked. Being on the ground and seeing the urgent need of such an institution, he called together his wonderful Special Council for one last session. Between them they organized the municipal system which, in modified form, still functions in Quebec. After the Union the system was extended to Ontario, to the great advantage of that province. So thoroughly are Canadians accus-

tomed to managing their own affairs, that they do not realize what a privilege they possess in their municipal system, and how far Great Britain then lagged behind.

Another important measure passed by the expiring Special Council was the Registry Act. To the habitant the selling, mortgaging, and transfer of property was a private affair; he did not see the need for publicity. So the habit of clandestine transfer of land was almost a French habit. The same habit prevailed among the Acadians and had to be dealt with by the English governors. The attempt to put the transfer of land upon a business basis was regarded as an insidious attack upon a national custom. Once more the benevolent despot succeeded in bringing about a much-needed reform. The 'ass's bridge,' as he calls it, had been impassable for twenty years. Now that it was crossed, the exploit met 'the nearly universal assent of French and English.' Some thirty other ukases, all tending to order and the common weal, were issued in the last session of this extraordinary legislative body. One fixed the place of the capital. After much debate on the rival claims of Quebec, Montreal, Toronto, Bytown, and

Kingston, it was decided that the town with the martello towers guarding the gateway to the Thousand Islands, with its memories of Frontenac and the War of 1812, should be the capital of the new united province. And it was so. About the quiet university town, where Queen's is Grant's monument—*si monumentum requiris, circumspice*—there lingers still the distinction of the old vice-regal days.

Then came the first election for the new Assembly of the united province, perhaps the most momentous in the history of Canada. Lower Canada was vehemently opposed to the whole scheme. To elect a Union member was, in the words of the Quebec Committee, 'stretching forth the neck to the yoke which is attempted to be placed upon us.' The French were organized into a solid phalanx of opposition. In the western province the Tory and Orange opposition was equally violent towards a measure which was deemed to favour the French. The elections of 1841 were held with the bad old-fashioned accompaniments of riot and bloodshed, especially in the centres, Montreal and Toronto. Neither side was free from the blame of irregular methods. Certainly the government was not

scrupulous in the means it employed to secure the return of Union candidates. The results were known early in April. They were as follows: for the government, twenty-four members; French, twenty; Moderate Reformers, twenty; ultra-Reformers, five; Compact party, five; doubtful, seven. The curse of petty faction was not lifted, nor the machinery of two-party government really installed, for it was quite possible for several of these groups to combine in voting down government measures without having sufficient cohesion among themselves to form a ministry and assume control.

The session opened at Kingston on June 14, 1841. A hospital was turned into a parliament house, a row of warehouses was appropriated for government offices, and the fine old stone mansion by the waterside known as 'Alwington' became the residence of the governor-general. That last summer of his life was crowded with toil and anxiety, but crowned with triumph. Acting as his own minister, he had to press through a chaotic and factious legislature, far-seeing measures of vital importance to the country; he had to reconcile differences, to smooth opposition, to continue his campaign of education in

parliamentary procedure. In addition to the immediate problem of remaking the Canadas into one province, Sydenham was deep in diplomatic difficulties arising over disputes as to the Maine boundary. This difficulty was settled in 1842 by the Ashburton Treaty, which finally delimited the frontier lines. The strain on the governor-general was severe, and his health, never robust, gave way under it; but the frail form was upborne by the indomitable spirit of the man, and by the consciousness that he was winning the long-desired and doubtful victory. His success was plain to other eyes across the sea. His chief, Lord John Russell, sent gratifying commendations and obtained for him the coveted honour of the Grand Cross of the Bath. Feeling that his mission was accomplished, he sent in his resignation and made his preparations to return to England. The sound he longed to hear was the pealing of the guns from the citadel of Quebec in a final salute to the departing proconsul. He was to obtain release in another way.

Some idea of Sydenham's difficulties may be formed by a consideration of the Baldwin incident, as it has been called. Just before the session opened an effort was made to

combine the Moderate Reformers of Upper Canada and the 'solid' French-Canadian party of Lower Canada into a compact parliamentary phalanx of forty which would, of course, take charge of the House. Baldwin was skilfully approached and played upon until he supported this intrigue. The sequel is best told in Sydenham's own words.

> Acting upon some principle of conduct, which I can reconcile neither with honour nor common sense, he strove to bring about this Union, and at last having as he thought effected it, coolly proposed to me, on the day before Parliament was to meet, to break up the Government altogether, dismiss several of his Colleagues and replace them by men whom I believe he had not known for twenty-four hours, but who are most of them thoroughly well known in Lower Canada (without going back to darker times) as the principal opponents to every measure for the improvement of that Province which has been passed by me, and as the most uncompromising enemies to the whole of my administration of affairs there.
>
> I had been made aware of this Gentle-

> man's proceedings for two or three days, and certainly could hardly bring myself to tolerate them, but in my great anxiety to avoid if possible any disturbance, I had delayed taking any step. Upon receiving, however, from himself this extraordinary demand, I at once treated it, joined to his previous conduct, as a resignation of his office, and informed him that I accepted it without the least regret.

Of Baldwin's personal integrity there was no doubt; but the honest man had been used as a tool. If the intrigue had succeeded, all Sydenham's labour must have been lost, the Union would have been wrecked in the launching, and the country thrown back into chaos. Fortunately the intrigue failed. Baldwin passed over to the opposition, but he was unable to lead the Reformers of Upper Canada into killing government measures such as extension of the main highways, reform of the usury laws, establishment of a comprehensive municipal system. They followed the sounder leadership of Hincks and supported Sydenham in his wise efforts to promote the country's good.

The whole session was a series of crises. Sydenham stood pledged to the cardinal principle of democratic government, that the majority must rule. Parliamentary procedure, as they have it in England, was a new thing in Canada. In Great Britain the government does not always resign when defeated on a vote, nor does the opposition defeat the government when it has no power to form an alternative government. The only consistent opposition was Neilson's band of French Canadians, and their policy was pure obstruction and their object to separate the two provinces once more. By combining the factions it was possible sometimes to defeat a government, but for the government to throw down the reins of power, with no one on the other side capable of taking them up, would have been madness. The situation craved wary walking and most delicate balancing; but Sydenham was equal to it. Later in the session, when the members had learned their lesson, the governor-general affirmed his position in a series of resolutions moved by Harrison, the leader of the government. In these he asserted: first, his position as representative of the monarch, and, as such, responsible to Imperial

authority alone; secondly, the administration must possess the confidence of the representatives of the people; and thirdly, that the administration shall act in accordance with the well-understood wishes and interests of the people. In other words, he declared himself for British connection plus majority rule.

Critics found the first session of the new parliament of Canada a 'do-nothing-but-talk' session. There was indeed a flow of eloquence in various kinds during the first few weeks until the different parties found the proper relations and the serious work of legislation began. Constructive measures of the first importance became law in due course. Sydenham's own words sum up his achievement. 'With a most difficult opening, almost a minority, with passions at boiling heat, and prejudices such as I never saw, to contend with, I have brought the Assembly by degrees into perfect order ready to follow wherever I may lead; have carried all my measures, avoided or beaten off all disputed topics, and have got a ministry with an avowed and recognized majority, capable of doing what they think right, and not to be upset by my successor. I have now accomplished all that I set much

value on; for whether the rest be done now, or some sessions hence, matters little. The five great works I aimed at have been got through: the establishment of a board of works with ample powers; the admission of aliens; the regulation of the public lands ceded by the Crown under the Union Act; and lastly this District Council Bill.' The financial difficulties of the province had been met by guaranteed Imperial loan, and progress had been made in remedying the evils of pauper immigration. Not often does a constructive statesman live to see his labours so richly rewarded by success.

Then the end came. A stumble of Sydenham's horse as he mounted a rise near 'Alwington' threw him to the ground and broke his right leg. His constitution, never strong, had been weakened by disease, unsparing work, and ceaseless anxieties. The bones would not set, the laceration would not heal, and at last lockjaw set in. It was impossible for him to recover. One does not expect the heroic from a fragile man of the world, but Sydenham's last thoughts were for the state he had served so well. In the agonies of tetanus he composed the speech with which he had hoped to bring the session

to a close. The last words were the dying governor's prayer for Canada. 'May Almighty God bless your labours, and pour down upon this province all those blessings which in my heart I am desirous it should enjoy.'

His accident occurred on the fourth of September: he was not released from his sufferings until the nineteenth. A stately funeral testified to the universal regret. St George's Cathedral at Kingston, where his bones lie, should be among the high places of the land, a shrine doubly sacred, as the tomb of one who had no small part in making Canada.

CHAPTER III

REFORM IN THE SADDLE

ON Parliament Hill at Ottawa is a monument of bronze and marble. It represents two men standing in close converse; and, in spite of the dull and untempering effect of modern coats and trousers, the monument is an artistic success worthy of the noble eminence on which it stands above the broad-bosomed river and looking towards the distant hills. It is designed to keep in memory LaFontaine, the man of French blood, and Baldwin, the man of English blood, who worked together as leaders in the first parliament of re-united Canada. That they so worked together for the good of their common country deserves commemoration in enduring brass; for, happily, ever since their time English and French have been found working side by side and vying in fraternal efforts towards the same glorious end.

LaFontaine and Baldwin are typical Cana-

dian politicians of the new order. They carried on a government under modern conditions. Sydenham's work had been done once for all. In spite of ignorance, and errors, and worse, the parliamentarians had really learned the lessons of procedure which he had so deftly taught, and they now settled down to the regular game of Ins and Outs, according to established and accepted rules. The irreconcilables were gradually tamed as wild animals are—by hunger first, and then by being fed with sufficient quantities of the loaves and fishes. Power, office, good permanent positions, fat salaries, proved strong sedatives of yeasty aspirations towards vague political ideals. There were still to be grave difficulties, crises, reactions towards the old order of things; but the cardinal principle of popular government was finally accepted, and, ever since 1841, has been in continuous operation, as part and parcel of the constitution.

If Canadian politicians had, in the words of the Shorter Catechism, been left to the freedom of their own will, it is difficult to see how they could ever have brought about either the union of the jarring provinces, or established the principles of popular government. It is not apparent how half a dozen

irreconcilable little factions could have combined to thwart the sullen determination of John Neilson's French-Canadian party to wreck the Union. There was a crying need for intervention by a true statesman from without, who, with his eyes unblinded by local prejudices and passions, could take his stand above all parties, and, in benevolent despotism, lead them into concerted action for their own good and the good of the country. Equally clamant was the need of information and instruction. Sometimes Canadians are inclined to write the tale of the building of the nation as if that splendid fabric were all the work of their own hands, as if 'our own arm had brought salvation unto us.' This is manifest fallacy. Without a Durham to diagnose the malady and a Sydenham to apply the remedy, the condition of the body politic must have been past cure. At least, no other physicians could avail. Now, it was a matter of treatment and careful nursing, and being instructed, we were capable of following the doctor's orders.

The Reform leaders were very unlike each other in character and antecedents. Robert Baldwin was the son of William Warren Baldwin, whose father (also a Robert Baldwin)

belonged to the humbler class of landed gentry in Ireland. Tempted, like so many others of his class, by the bait of cheap land, he came to Canada to 'farm.' His son William studied medicine at Edinburgh, became a doctor, and, with Irish powers of adaptation, soon exchanged physic for the more profitable pursuit of law. Robert the grandson was born in York (now Toronto) in 1804. He became one of 'Johnny' Strachan's pupils at the Grammar School, achieving in time the distinction of being 'head boy'; after which he studied law in the old, leisurely, articled-clerk system, and finally became his father's partner. An opportune legacy enabled his father to buy a large property outside 'muddy York,' on which, in accordance with hereditary land-holding instinct, he endeavoured to establish his family, after the old-world fashion. A broad thoroughfare in Toronto preserves the name of Baldwin's ambition, 'Spadina.'

Like his father, Robert Baldwin was a Moderate Reformer. He entered public life (1829) in his native town as draftsman of a petition to George IV in what was known as the Willis affair. In the same year he was elected to the Assembly as member for York.

Unseated on a technicality, he was at once re-elected, and took his seat in the House the following year. In the new elections, however, following the demise of George IV in 1830, when the House was dissolved, Baldwin was defeated. He had recently entered into partnership with his wife's brother, who was also his own cousin, Robert Baldwin Sullivan, a handsome Irishman with more than a touch of Irish brilliancy. Sullivan played no small part in the politics of the time. He is the author of the wittiest pamphlet ever evoked by Canadian party struggles.

Another young Irishman with whom Baldwin became closely associated was Francis Hincks, who also left his mark on the history of Canada. The son of a Presbyterian minister, he had received a good general education, and a sound and extensive business training in Belfast. Coming to Toronto by way of the West Indies, he became interested in various local business concerns and speedily proved his outstanding capacity for all matters of commerce and finance. Besides being the manager of a bank and the secretary of an insurance company, Hincks carried on at his house in Yonge Street, next door to Robert Baldwin's (number 21), a

general warehousing business; and, as if these enterprises did not afford sufficient scope for his energy, he launched a weekly newspaper, the *Examiner*, in the interests of Reform. The successful man of business soon became the expert in finance, to whom all eyes turned in difficulty. In 1833 he was appointed one of the inspectors of the Welland Canal accounts in a parliamentary investigation, so swiftly had he come to the front. Though much unlike in temperament, he and Baldwin were agreed in their views of political reform, siding with the Moderates as against the Mackenzie faction of extremists. When in 1836 the Constitutional Reform Society of Upper Canada was organized, with William Warren Baldwin as president, Hincks became the secretary. The main objects of this society were to secure 'responsible advisers to the governor,' and the abolition of the forty-four rectories established by Sir John Colborne in accordance with the well-known provisions of the Constitutional Act. The success of any organization often depends on one man, the secretary, and in this capacity Hincks evinced his wonted ability and extraordinary energy.

These two men, Robert Baldwin, with his

high principle and solid character, and Francis Hincks, with his talent for affairs, are figures of prime importance in this critical stage of the experiment called responsible government.

But the new province of Canada, as a union of French and English populations, demanded, as a natural consequence, a union in leadership. The French-Canadian politician, who in his own province represented Moderate Reform, was Louis Hippolyte LaFontaine. His grandfather had been a member of the old Assembly of Lower Canada; his father was a farmer at Boucherville in Chambly, where Louis Hippolyte was born in 1804. Educated at the college of Montreal, he afterwards studied law and began to practise in that city. In 1830 he was elected member for Terrebonne, and soon showed himself in the House to be a thoroughgoing follower of Papineau and an agitator for radical change. But when reform passed over into rebellion and an appeal to armed force, he tried to dissuade his compatriots from their mad enterprise, and also approached the governor, Lord Gosford, with a proposal to assemble parliament, in order to prevent further violence. He then went to England, from

motives which do not seem clear. Fearing arrest in that country for his share in the agitation before the rebellion, he fled to France. He did not, in fact, return to Canada until May 1838, when he was caught in the widespread net of arrests and spent several painful and indignant months in the Montreal jail, demanding release, but in vain. Incarceration for a political offence is a rare event in the career of a chief justice and an English baronet, as this prisoner was to be later. Arrested on suspicion, he was released without trial. On the tragic collapse of the extremists LaFontaine became the hope of the moderate men among the French-Canadian politicians. Like the most of his compatriots, he was strongly opposed to the union of the Canadas, as threatening the extinction of his nationality; but seeing no possible alternative to union, he made it his fixed policy to win, by constitutional methods, whatever could be won for his people. In appearance he was strikingly like the first Napoleon, the resemblance being noticed by the old soldiers when he visited the Hôtel des Invalides at Paris. A contemporary cartoon, representing him flinging money to the habitants, shows the likeness, even to the

lock of hair on the forehead, more plainly than his portrait. His few years of leadership in parliament, though of great importance to the country, formed only an episode in a larger legal career.

In the elections of 1841 LaFontaine was defeated; it is said, by illegal methods. Baldwin was returned for two constituencies, York and Hastings, and Hincks for Oxford, on the strength of his articles in the *Examiner*. Bitterly disappointed as LaFontaine was at his defeat and the means by which it was accomplished, he could see no hope of redress except by constitutional means. For the present he could do no more than protest angrily at the injustice. He was, however, not long excluded from the House. Through the good offices of Baldwin he was elected for the fourth riding of York, an act of courtesy and common sense which was not to lose its reward.

Such was the posture of affairs when Sydenham died.

The next governor-general of Canada was Sir Charles Bagot, the Tory nominee of the now Tory government of Great Britain. Bagot's familiar portrait in the full insignia of the Order of the Bath shows us the hand-

SIR CHARLES BAGOT

From an engraving in the Dominion Archives

some, thoroughbred face of a typical English gentleman. Although Queen Victoria doubted his ability for the post, her distrust was unfounded. Bagot was a man of broad experience and calm wisdom. He possessed poise and real kindness of heart, as well as real courtesy; but he seems also to have been too sensitive to criticism and to opposition. He reached Kingston, the seat of his government, in January 1842. Visits to the various centres of Canada, according to the practice of his predecessors, soon gave him an understanding of popular opinion and feeling; and, although he was expected by the extreme Conservatives to bring back the old, halcyon, *ante bellum* days, he was most careful to follow the lines of Sydenham's policy. Towards the French he was amiable and conciliatory and made several appointments of French Canadians to positions of trust and emolument. Ever ready to meet courtesy half-way, the French gave their new governor their entire confidence.

During the eight months before parliament should reassemble Bagot wisely set about learning for himself the actual conditions of his new government. Like Sydenham, he was to act as his own prime minister, and

his initial difficulty was in forming a suitable Cabinet to act with him. He offered Hincks the post of inspector-general, corresponding in effect to minister of Finance, and Hincks accepted it. He offered the post of solicitor-general to Richard Cartwright (grandfather of the Sir Richard Cartwright of a later day), who refused it because Hincks was in the Cabinet. The position was finally filled by Henry Sherwood, who was, like Cartwright, a Conservative. To LaFontaine the governor offered the attorney-generalship in the most courteous terms, but, for a number of reasons, LaFontaine declined to accept it. Bagot's plan was to form a coalition government, which should embrace all interests; but the Reformers refused to take their place in a Cabinet which contained men of the opposite party. So William Henry Draper, who had acted under Sydenham, continued as leader of a composite Cabinet under Bagot.

The House met at Kingston on September 8, 1842. In the game of Ins and Outs the debate on the Address is recognized as a trial of strength, as a method of ascertaining which party is in a majority. It was found that the Draper government did not command the confidence of the House; and, after a spirited

fight, Draper resigned and made way for a new ministry, led by LaFontaine and Baldwin. The principle involved, which seems now the merest common sense, was then scouted as government 'by dint of miserable majorities.' Sullivan was the senior member in the new ministry, though it is known by the names of its leaders. It included Hincks and five other members of the previous Cabinet.

In accordance with another rule of the political game the new ministers had to seek re-election. LaFontaine was peaceably returned for his 'pocket borough,' the fourth riding of York, but the candidacy of Baldwin for Hastings had another issue. In those good old days of open voting an election was no such tame affair as walking into a booth and marking a cross on a piece of paper opposite a name. An election lasted for days or even weeks. There was only one polling-place for the district, and an election was rarely held without an election row. It seems impossible that it is of Canada one reads: 'A number of shanty-men having no votes were hired by Mr Baldwin's party to create a disturbance. They did so and ill-treated Mr Murney's supporters. The latter, however,

rallied and drove their dastardly assailants from the field. Two companies of the 23rd Regiment were sent from Kingston to keep the peace, and polling was most unjustly discontinued for one day.' Free fights between bands of rival voters armed with clubs, swords, and firearms, injuries from which men were not expected to recover, order restored by the intervention of the military —these were no unusual incidents in an old-time Canadian election. The contest in Hastings was of this description, and Baldwin was defeated. He stood for election in the second riding of York, and he was again defeated. Finally LaFontaine did for him what he had done for LaFontaine. The French member for Rimouski resigned his seat, and Baldwin was returned for it in January 1843. The French leader and the English leader had thus given unmistakable proofs of their sincere desire to be friends and to work together for the common weal. French and English were found at last working in harmony, side by side. They had formed the first colonial ministry on the approved constitutional model.

The new idea was fiercely assailed. To the British colonial partisan of that day it

seemed the height of absurdity to entrust the government of the country to men who had done their best to wreck that government but a few years before. The Tories would have been more than human if they were not exasperated to see actual rebels like Girouard, who fought with rebels at St Eustache, offered a position in the Cabinet. They could not, as yet, accept the hard saying of Macaulay: 'There is only one cure for the evils which newly-acquired freedom produces, and that cure is freedom.' How would they have regarded Britain's three years' war with the Dutch republics of South Africa and the entrusting of them immediately afterwards to the Boers and General Louis Botha? For accepting the principle of popular government, that the majority must rule, Bagot was assailed with an inhuman vehemence, which astounds the reader of the present day by its venom and its indecency. Because the governor was a just man and loyally followed constitutional usage, he was abused as a fool and a traitor not only in the colony but in England. It is small wonder that his health began to give way under the strain.

That historical first session of 1842 was

very short; it lasted only a month. Nor could it be said to have accomplished very much in the way of actual legislation. The criticism of the opposition press was not ill-founded—that there was much cry and little wool. That the criticism was made at all shows how much was expected from the establishment of a principle. Mankind has a pathetic faith in the efficacy of political machinery, remade or remodelled, to grind out happiness and bring in the Age of Gold. None the less, a great political principle had been affirmed, and had been seen in triumphant action. The new constitution was at last set on its legs, and, at last, it really did begin to 'march.'

Shortly after the session closed Bagot's administration came to an end. The governor was no longer young, and the factious opposition in the colony and the want of support in England wrought upon his health and spirits. The oncoming of the bitter Canadian winter tried severely the shaken man. On medical advice he resigned his post, but when his resignation was accepted he was too ill to travel. He too died at 'Alwington,' Kingston, on May 30, 1843; but the voice of rancorous detraction was not hushed around

his death-bed. 'Imbecile' and 'slave' were among the milder terms of abuse. Bagot was the second governor in swift succession to render up his life in the discharge of his duty. And he was not the last. It was as if some blight or curse rested on the office which made it fatal to the holder. The Canadian treatment of Bagot, a high-minded gentleman who honestly performed a thankless task, should make every Canadian hang his head.

Bagot's successor was Sir Charles Metcalfe. He arrived at Kingston from the American side on March 29, 1843, in a close-bodied sleigh drawn by four greys. His experience must have been novel since he landed at Boston and posted overland to reach the capital of the colony. The whole country was still deep in snow and must have presented the strangest aspect to a man who had spent his life in the tropics. He was received at the foot of Arthur Street by an enthusiastic concourse of citizens, with appropriate ceremony and show. 'A thorough-looking Englishman with a jolly visage,' as he was characterized by an eye-witness, he made a favourable first impression upon the people of his government.

Metcalfe had received his training as a 'writer' in the old East India Company and must have been a contemporary of Thackeray's Joseph Sedley. He was born in India, at Lecture House, Calcutta, on January 30, 1785. Eleven years later he entered Eton, where he at once evinced remarkable powers of application and a marked distaste for athletic sports, two traits which would mark him off as an oddity from the herd of English schoolboys. At the age of sixteen he was back in the land of his birth. His was a distinguished career. By 1827 he had risen to membership in the Supreme Council of India. Later he acted as provisional governor-general, and obtained the Grand Cross of the Bath. In 1838 he resigned his position and became governor of Jamaica. Perhaps the most significant incident in his career was his fighting as a volunteer in the storming of Deeg, on Christmas Day 1804. The courage which sends a civilian into a desperate hand-to-hand fight, to which he is not obliged to go, must be above proof. Metcalfe had no pecuniary interest in his position. He was a wealthy man, who spent far more than his official salary in the various ways a governor-general

SIR CHARLES METCALFE

After a painting by Bradish

is expected to bestow largesse. His 'jolly visage' bore the marks of a cruel and incurable disease. He is still remembered in India as the author of the bill which established the freedom of the press. The historian Macaulay calls him 'the ablest civil servant I ever knew in India.' Durham, Sydenham, Bagot, Metcalfe—Britain had few more distinguished or more able servants of the state; and they devoted all their powers, without a thought of the cost to themselves, to solving a vital problem in the maintenance of the Empire. Their more obvious rewards were obloquy and death.

The misfortune of Metcalfe was that his entire political training had been gained in governing subject races, Hindus in India and negroes in Jamaica, races 'so accustomed to be trampled on by the strong that they always consider humanity as a sign of weakness.' Now old, and fixed in his mental set, autocratic as an Indian civil servant must be, he came to deal with a rude, unlicked, white democracy, impatient of control as Durham discovered, and acutely jealous of its rights. In theory Metcalfe should have been most sympathetic, for in English politics he was an advanced Whig, strongly in favour of such

popular measures as abolition of the Corn Laws, vote by ballot, the extension of the franchise. Besides, he was honestly desirous of playing the peacemaker. None the less, his administration was marked by a reaction towards the old Tory state of affairs, and produced a ministerial crisis which threatened to bring back the reign of Chaos and old Night.

The primal difficulty lay in the governor's mental attitude. He saw with perfect clearness what had already been done. Durham had enunciated a theory, which Sydenham had put into effect by being his own minister, and Bagot had followed resolutely in Sydenham's footsteps. The group of colonial officials known as the Executive Council had in the meantime tasted power. They now ventured to speak of themselves as 'ministers,' as a 'cabinet,' as the 'government,' as the 'administration'; and these terms, with their corollaries and implications, had met with general acceptance. But Metcalfe considered them inadmissible, as limiting too much the power of the governor, and, as a consequence, the authority he represented. He was determined not to be a mere figurehead on the ship of state; he would

be captain, in undisputed command. Theoretically, if he were to be guided solely by the advice of the local ministry, he would be 'responsible' to them instead of to his sovereign; his office would be a nullity, and the difference between a colony and an independent state would have disappeared. Theoretically Metcalfe and the Tory pamphleteers who supported him were right in their contentions. Complete freedom to manage its own affairs should, if logic were strictly followed, separate the colony from the mother country; but the British genius for compromise has met the difficulty in a thoroughly British way by avoiding any precise and rigid definition of the relations existing between the mother country and the daughter state. That 'mere sentiment' should hold the two more firmly together than the most deftly worded treaty or legal enactment is proved to the world in these later days by the sacrifices of Canada to the common cause during the Great War. But there was little reason for holding this belief in the forties of the nineteenth century. Conflict between a masterful governor like Metcalfe, accustomed to the old order, and political leaders like Baldwin and LaFontaine, trying to

bring in a new order, was inevitable; their modes of thought were diametrically opposed; the only question was when the clash should come.

The third session of the first parliament of Canada opened towards the end of September 1843. In an Assembly of eighty-four members the party of Reform numbered sixty, an overwhelming majority; for the *rapprochement* between the sympathetic parties of the two provinces was now complete. The leader of the opposition was Sir Allan MacNab of *Caroline* fame, a typical soldier-politician, narrow but honest in his views, and, like his countryman Alan Breck, a 'bonny fighter.' It was a momentous session. Reform was firmly in the saddle at last. No opposition could hope to defeat whatever measure the government might choose to bring forward. Nor could the government be reproached, as before, with merely talking and doing nothing. Much legislation of the first importance stands to its credit. One of the measures passed at this session provided that the seat of government should be removed from Kingston to the commercial metropolis, Montreal. For how short a time Montreal should have this honour, none could imagine

or foresee. By another wise measure placemen were removed from the Assembly; that is to say, permanent officials, such as judges and registrars, could not hold their positions and be members of parliament. For this important change LaFontaine was responsible, as well as for another bill which simplified the judicial system of Lower Canada. An attempt was made to bridle the turbulence of Irish factions, which had brought to Canada the long-standing, cankered quarrels of the Old World. A bill was passed to suppress all secret societies except the Freemasons. It was, of course, aimed straight at the Orange Society, that vigorous politico-religious organization which preserves the memory of a Dutch prince and of a battle he fought in the seventeenth century. To this bill Metcalfe did not assent, but 'reserved' it, as was his undoubted right, for the royal sanction. In the end that sanction was not given, and the Act did not become law. The 'reserving' of this bill seems to have occasioned little comment; but, as will be seen in a subsequent chapter, the refusal of another governor to 'reserve' another bill caused a storm. Hincks, the man of finance, gave the country 'protection' against the

competition of the American farmer, a political device which was destined to much wider use. The all-important matter of education received the attention of the Assembly. What had been done before was, most significantly, to make provision for higher education by establishing 'grammar schools' in the different districts, as foundations for the superstructure of a university. It might have been called a provision for aristocratic education. Now a measure became law for the better support of the common schools. This was provision for democratic education, a necessary corollary to popular government, for if Demos is to rule, Demos cannot be left in ignorance; the peril of an ignorant ruler is too frightful.

Then came the difficult problem of the provincial university. It is interesting to note how the educational history of one Canadian province is repeated in another. In Nova Scotia, King's College was founded by the exiled Loyalists from the United States towards the end of the eighteenth century. It was the child of the Church of England. The first bishop of Nova Scotia secured for it the support of the provincial Assembly. Naturally, it was modelled on the

great English university of Oxford, and, like the Oxford of that day, was designed solely for the education of those within the pale of the national church. But this provincial university, which has the honour of being the oldest in the British dominions overseas, was supported by public funds partly contributed by 'dissenters,' whose creed excluded them from it. Only at the price of their religious principles could the 'dissenters' of Nova Scotia obtain the boon of higher education. Therefore they set to work to found an independent 'academy' of their own. In Upper Canada events marched down the same road. There, another privileged 'King's College,' exclusively Anglican, was founded early in the nineteenth century, and richly endowed with public lands. The excluded 'dissenters' set about founding colleges of their own; and thus Queen's College and Victoria College took their rise. Robert Baldwin had the vision of a comprehensive state university, on a broad non-denominational basis, in which all these colleges should be component parts. He brought in a bill to found the University of Toronto, a measure on which time has set its approving seal. The many stately buildings which adorn

Queen's Park, the long distinguished roll of graduates, the noble group of affiliated colleges, Knox, St Michael's, Trinity, Wycliffe, Victoria, attest the wisdom of Baldwin's far-seeing measure. Bishop Strachan, the doughty Aberdonian champion of Anglican rights and privileges, led a crusade against this 'godless institution' and raised the cry of spoliation. The echoes of that wordy warfare have even now hardly died away. Having failed to prevent the founding of Toronto, the indefatigable bishop founded a new Anglican university, Trinity, which in the fullness of time was merged in the great provincial university. But this is to anticipate. Baldwin's bill had reached its second reading, when the ministry blew up.

In the end of November the inevitable clash occurred. Metcalfe was no believer in responsible government as understood by the Reformers; and he was determined to uphold the prerogative of the Crown. For one thing, he was not going to surrender the right of appointment. He had made several appointments without consulting his ministers. When, on his own authority, he appointed a clerk of the peace, they determined to make it a test case. They considered that, by

ignoring them, he had violated an important constitutional principle; and when they were unable to convince him of this in a personal conference, they resigned in a body (with a single exception) on November 26, 1843. This produced what is known as the Metcalfe Crisis. In a formal statement before the House the Reformers took the ground that they could not be 'responsible' for appointments made without their knowledge. The governor was to act on their advice; but he had acted without giving them a chance to advise him. Metcalfe, on the other hand, maintained that the Reformers wanted him to surrender the patronage of the Crown 'for the purchase of parliamentary support.' He opposed patronage for party purposes. Let the long history of political appointments since that day, of patronage committees, attest that the governor was partly in the right. The formal statements of both sides in the dispute were at once made public and produced a popular furore, second in intensity only to that which had led up to and attended the rebellion. Sydenham's confidence that his work could not be undone by any successor seemed for a time ill-founded.

Metcalfe Crisis

The resignation of the ministry was only

the opening gun in a political campaign, the object of which was to drive the governor from office. On laying the reasons for their action before the House the ministry received an enthusiastic vote of confidence; but their resignation took effect, and on the ninth of December the Assembly was prorogued. Both parties then set the battle in array against the coming election. An agitation of almost unparalleled violence began. Public meetings, banquets, speeches, pamphlets, newspapers, all contributed not so much to agitate as to convulse the country. For all his easy manner Metcalfe was an indomitable fighter, and into this, his last fight, he threw himself with an amazing energy. And he did not have to fight alone. There was no little dislike for the LaFontaine-Baldwin Cabinet and no slight exultation when it was supposed to be 'dismissed' by a loyal and manly governor. There is no doubt that in this struggle Metcalfe overstepped the metes and bounds within which a colonial governor could rightly act. He abandoned any attitude of official impartiality. He espoused the cause of one party, and used his great influence to aid that party to power. In the meantime he had no executive, or an executive of one; and all

through the summer of 1844 he was tireless in his efforts to persuade men of standing to accept office under Draper. The crux of the situation was to obtain French-Canadian support for an English Tory governor. One prominent Frenchman after another was 'approached,' but without success. Finally Metcalfe managed to scrape together a ministry which included such noted French Canadians as 'Beau' Viger and D. B. Papineau, a brother of the leader of '37. Then, having dissolved the Assembly, the governor issued writs for a new election. That election in the autumn of 1844 was attended with great riot and disorder. Both sides resorted to violence. When the House assembled, it was found that Metcalfe and the Tories had triumphed. The Reformers were in the minority. While Lower Canada had returned LaFontaine with a strong following, the western province had sent a phalanx to support the governor. Among the other curiosities of this remarkable election was the defeat of Viger by Wolfred Nelson, lately in arms against Her Majesty's government. In this contest a young lawyer of Scottish descent carried Kingston for the Tories. He was destined to go far. His name was John Alexander Macdonald.

Metcalfe had triumphed, but he held power by a very narrow majority; the parties stood forty-six to thirty-eight. In the usual trial of strength—the election of a Speaker—Sir Allan MacNab was chosen by a majority of only three votes. And yet Draper, that expert balancer on the tight rope, managed to carry on a government under these conditions for three full years. Perceiving that he must secure the support of the French if his party was to survive at all, he adroitly brought in favourite Reform measures as if they were his own, thus cutting the ground from under his opponents' feet. For example, English had been made the sole official language of the legislature. Now, the astute party leader managed to get this obnoxious clause in the Act of Union repealed. He even went further and endeavoured to win over the French-Canadian party wholesale by offering desirable positions; but in this intrigue he failed.

In the meantime the Act appointing a new capital had come into effect. Kingston gave place to Montreal, for a season. The huge Ste Anne's market building in the west of the city was turned into a parliament house, destined to the fate of Troy. Here was held

the session of 1844-45. Such legislation as was passed had no direct bearing on the question of responsible government. Before the session ended news came that the home government intended to raise the governor to the peerage as Baron Metcalfe of Fern Hill. His brief two years in Canada formed only an episode in the long career of a distinguished public servant. He had made his name and spent his life in India. The contemplated honour was well deserved; and it was designed by the home government as recognition of his services to the state as a whole, rather than as special approval of his administration of Canada. But so the Reformers construed Metcalfe's elevation; and they were furious. Even the moderate Baldwin was betrayed into unwonted vehemence. What would have happened, if Metcalfe had remained in office, none can tell. Perhaps a second civil war. But 'death cut the inextricable knot.' His deadly disease returned after a delusive interval, as is its hideous custom. His health failed; the cancer ate into his eye and destroyed the sight. It was apparent that he could no longer perform the duties of his office. He asked to be recalled; but the authorities at

home, knowing of his malady, had anticipated his desire. The courage that sent the boy 'writer' into the deadly assault on Deeg sustained the old proconsul through the slow torture of the months of life remaining to him. He quitted Canada in November 1845, a dying man, and, to the shame of Canada, amid the untimely exultation of his political opponents. In less than a year he was dead. Macaulay composed his epitaph. Metcalfe was a man of mark; and he had his share in building up the British Empire. His name distinguishes a street in Ottawa and a hall in Calcutta; and his statue stands in the former capital of Jamaica.

CHAPTER IV

THE GREAT ADMINISTRATION

ON Metcalfe's departure from Canada the administration passed into the hands of Lord Cathcart, commander-in-chief of the forces. He was one of the many fine soldiers who have had their part in the upbuilding of Canada and whose services have received the very slightest recognition. Of an ancient Scottish family, he had fought in the great Napoleonic wars from Maida to Waterloo, where he had greatly distinguished himself. After the peace he had turned his attention to the study of natural science, and he had made some important contributions to mineralogy. Cathcart held office from November 26, 1845, until January 30, 1847, some fourteen months. He wisely left Canadian politics to Canadian politicians, and merely watched the machinery revolve. At first he was merely administrator, but, on danger threatening from the unsettled dispute over

the Oregon boundary, he was raised to the rank of governor-general.

His successor was also a Scot, James Bruce, Earl of Elgin and Kincardine, directly descended from the patriot king Robert the Bruce. His father was the British ambassador who salvaged the 'Elgin marbles' from the Parthenon and sold them to the nation, thus drawing down upon himself the angry satire of Byron in 'The Curse of Minerva' and 'Childe Harold's Pilgrimage.' The new governor-general was young, poor, and able. Far more than his predecessors, he had enjoyed the advantages of a regular education. At Eton he had Gladstone for a school-mate, and at Oxford he was in the same college with Dalhousie, the future governor-general of India. He was also distinguished in two ways: he was a sincere Christian of the devout evangelical type, and he had a gift of speech that would have been remarkable in any man, but was remarkable most of all in a high official of a rather tongue-tied race. His native gift of eloquence was carefully cultivated and proved to be of great value in many points in his public career. His family ties are interesting. His first wife, a Miss Bruce, met a tragic fate. The vessel in which

CHARLES, EARL GREY

From the painting by Sir Thomas Lawrence

she accompanied her husband to the West Indies was wrecked on the voyage out; she never recovered from the shock and exposure, and died not long after. His second wife was a daughter of Lord Durham and a niece of Earl Grey, who was, in 1845, colonial secretary, and to whose influence Elgin owed his appointment as governor-general. He was thoroughly well qualified for the post. At the same time it was a way of providing for a relative who was not rich. Like Metcalfe, Lord Elgin came to Canada by way of Jamaica, which he had administered in the dark days that followed the emancipation of the slaves. His broad training, his Liberal politics, his family affiliations all predisposed him to accept the rôle which Metcalfe had definitely refused, the rôle, namely, of a constitutional governor-general, guided solely by the advice of a ministry representing the majority in parliament. In other words, Elgin had his mind made up to conform entirely to the principle of responsible government as understood in the colony. He was not long in the country before he made his intentions public; and to his fixed policy he adhered through good report and through evil report, at no small cost to himself, for

never were a Canadian governor-general's principles put to a more severe test.

Elgin reached Montreal in the end of January 1847, and was heartily welcomed by both political parties. He, on his part, was ready to admire the 'perfectly independent inhabitants' of this 'glorious country,' whose demeanour was certainly not that of the recently liberated slaves in his former satrapy. The 'independent inhabitants' voted him 'democratic' for walking out to 'Monklands' in a blizzard, when hardly any one else was stirring abroad. He was made welcome for another reason. The experiment of popular government was not working particularly well. The constitution did really 'march,' but with ominous creakings and groanings, which seemed to threaten a complete break-down. This must be the case with every government which tried to perform its functions with but a small majority at its back. The unanimous welcome accorded to the governor-general by both sides of politics implied a belief that somehow or other he could find a way out of the present difficulties and induce the governmental machine to work smoothly. It was a faith in the efficacy of the god from the machine

The Draper government was growing weaker and weaker, being continually defeated in the House, and consequently discredited before the country. Its difficulties were increased by events outside of Canada over which the government could have no control. The hideous Irish famine of 1846-47 had its reaction upon Canada, for thousands of starving emigrants tried to escape to the new land, and, after enduring the long-drawn horrors of the middle passage, reached Canada only to die like plague-stricken sheep of fever and sheer misery. The monument at Grosse Isle does not tell half the shame and suffering of that tragic time. And the Draper government showed no ability to cope with the problem. At length, in December 1847, Lord Elgin dissolved the House and a new election took place. It resulted in a complete victory at the polls for the party of Reform. The leaders, Baldwin, LaFontaine, and Hincks, were all returned. Only a handful of the other party came back; but among them were Sir Allan MacNab and the young Kingston lawyer, John A. Macdonald.

The new House met on February 25, 1848. In the trial of strength over the Speakership the Reformers won. Sir Allan MacNab was

again the nominee of the Tories; Baldwin nominated his friend, Morin, who had command of both French and English, a necessary qualification for the presiding officer of a bilingual parliament. And Morin was chosen Speaker by a large majority. In accordance with the rules the remnant of the Draper ministry resigned, and LaFontaine and Baldwin formed a new Cabinet. This is known in Canadian history as the 'Great Administration,' which lasted until the retirement in 1851 of both the noted leaders from public life. The distinction is well deserved, not only on account of the high character of the leaders, and the value of the political principles affirmed and put in practice, but also on account of the permanent value of the legislative programme which it carried to successful completion. The ensuing session was very short; for time was needed to prepare the various important measures which the Reformers intended to bring forward. The troubled year of European revolution, 1848, was rather colourless in the annals of Canada; not so the year which followed.

The eventful session of 1849 opened on the eighteenth of January, in a parliament building improvised out of St Anne's market near

what is now Place d'Youville, Montreal. The Speech from the Throne announces a programme of the more important measures to be brought before parliament. In this case the Speech was a promise to deal with such vital matters as electoral reform, the University of Toronto, the improvement of the judicial system, and the completion of the St Lawrence canals. It also contained two announcements most gratifying to the French: first, that amnesty was to be offered to all political offenders implicated in the troubles of '37-'38; and second, that the clause in the Act of Union which made English the sole official language had been repealed. The governor-general displayed his tact and his goodwill by reading the Speech in French as well as in English, a custom which has continued ever since.

A striking incident in the opening debate on the Address was the passage at arms between LaFontaine and Papineau, between the new and the old leader of French-Canadian political opinion. In '37 Papineau had roused his countrymen to armed resistance of the government; but he had wisely refrained from placing himself at the head of the insurgents. Together with his secretary,

O'Callaghan, he had witnessed the fight at St Denis from the other side of the river, but took no part in it. He had afterwards reached the American border in safety. From the United States he had passed over to France, where he had consorted with some of the advanced thinkers of the capital. In 1843 LaFontaine, by his personal exertions with Metcalfe, was able to gain for his exiled chief the privilege of returning without penalty to his native land. Papineau, however, did not avail himself of the privilege until four years later; he found life in Paris quite to his taste. A curious result of his return, a pardoned rebel, was his claiming and receiving from the provincial treasury the nine years' arrearage of salary due to him as Speaker in the old Assembly of Lower Canada. In the elections of 1847 he stood for St Maurice, and he was elected. In the new parliament he took the rôle of irreconcilable; his whole policy was obstruction. What he could not realize was, that during his ten years of absence the whole country had moved away from the position it had occupied before the outbreak of the rebellion; and, in moving away, it had left him hopelessly behind. His only programme was uncom-

promising opposition to the government which had forgiven him, and the vague dream of founding an independent French republic on the banks of the St Lawrence. In the brief session of 1848 he attempted, but without success, to block the wheels of government. Now, in the second session, the fateful session of 1849, he delivered one of his old-time reckless philippics denouncing the tyrannical British power, the Act of Union—the very measure he was supposed to have battled for—responsible government, and, above all, those of his own race who supported the new order. LaFontaine took up the gauntlet. His retort was as obvious as it was crushing. If the French Canadians had refused to come in under the Act of Union, they would have been depriving themselves of any share whatever in the government of their country. If they had refused to come in, Papineau would not have been permitted to return, or to sit once more as a legislator and a free man in the national parliament. The reply was unanswerable, and it put a period to the influence of Papineau. Foiled and discredited, the old leader was never again to sway the masses of his countrymen as the moon sways the tides. His day was done. None the less,

the prestige of his name drew after him a small following of the younger and more ardent men to whom he taught the pure Radical doctrine. In *L'Avenir*, the propagandist journal which he founded, he preached repeal of the Union and annexation to the United States. Before long he abandoned an arena in which he was no longer the great central figure for dignified seclusion on his seigneury of Montebello beside the noble Ottawa.

In spite of all blind opposition a broad and enlightened programme of legislation was carried out. Nearly two hundred measures, many of prime importance, stand to the credit of this busy session. The vexed question of a provincial university was finally settled. Baldwin's bill for the founding of the University of Toronto, which had been laid to one side by the Metcalfe crisis, was taken up again and carried through all its stages to the status of a law. Conceived as the apex and crown of a comprehensive scheme of education as broad as the province, the University of Toronto more than met the hopes of its founder. A straight road had been devised from the first class in the common school to the highest department of collegiate instruction. The needs of the

democracy had not been neglected, but wise and ample provision had been made for the ambitious and aspiring few. How completely the university has justified its existence is attested by the spectacle of both political parties competing with each other in their benevolence towards an honoured, national foundation. By the multiplying generations of Toronto graduates the name of Robert Baldwin should be held in high esteem as of the man who made possible the seat of learning they are so proud to name their *alma mater*.

Another wise measure for which Baldwin deserves no little praise is the Municipal Corporations Act. The title has a dry, legal look, and will suggest little or nothing to the general reader except, possibly, red tape. Moreover, the system by which the subdivisions of the country—the county, the township, the incorporated village—govern themselves seems so obvious and works so smoothly in actual practice that it seems part of the order of nature, and must have existed from the time beyond which the memory of man runneth not to the contrary. But the present extended system of home rule in Canada did not descend from heaven complete, like the

Twelve Tables. It was a gradual growth, or evolution, from the old system, by which the local justices of the peace, sitting in quarter sessions, assessed the local taxes, with the difference that it was not an unconscious growth. The plant set by Sydenham's hand was tended, cultivated, and brought to maturity by Baldwin. The measure, as it became law in 1849, has proved to be of the greatest practical value; it has won the approval of competent critics; and it has served as a model for the organization of other provinces. Commonplace and humdrum as this measure may seem to Canadians in the actual domestic working of it, there are other parts of the Empire—Ireland, for example—which were to lag long behind. The lack of such privileges is a grievance elsewhere. Even to-day, the rural districts of England have not as extensive powers of self-government as the counties of Ontario. If the farmers of the Tenth Concession had to go to Ottawa and see a bill through the House every time they wanted a new school, if they had months of waiting for proper authorization, not to mention expenses of legislation to meet, they might appreciate more keenly the advantages they enjoy in virtue of this

forgotten Act of 1849. The lover of the picturesque will not regret that terms with the historic colour of 'reeve' and 'warden' were made part and parcel of a democratic system in the New World.

It was a session of constructive statesmanship. The judicial system of the province needed to be revised, extended, and simplified; and these things were done. The economic condition of Canada was anything but satisfactory. For years the country had 'enjoyed a preference' in the British markets, in accordance with the old, plausible theory that mother country and colony were best held together by trade arrangements of mutual advantage, by which the colony should supply the mother country with raw material and the mother country should supply the colony with manufactured products. Suddenly all Canada's business was dislocated by Peel's adoption of free trade in 1846. In consequence Canada had no longer any advantage in the British market over the rest of the world, and Canadian timber-merchants and grain-growers had an undoubted grievance. The general commercial depression, which had set in at the time of the rebellions, became worse and worse.

Lord Elgin's often-quoted words picture the deplorable state of the country: 'Property in most of the Canadian towns, and more especially in the capital, has fallen fifty per cent in value within the last three years. Three-fourths of the commercial men are bankrupt, owing to free trade; a large proportion of the exportable produce of Canada is obliged to seek a market in the United States. It pays a duty of twenty per cent on the frontier. How long can such a state of things be expected to endure?' For a remedy the active mind of Hincks turned to the obvious alternative of the British market, the natural market just across the line; and he opened up negotiations with the United States looking towards reciprocal trade. He could scarcely obtain a hearing. The way was blocked by the complete indifference of the United States Senate towards the whole project. Not until five years later did relief come; and it came through the initiative and personal diplomacy of Lord Elgin. To him belongs the credit for the famous Reciprocity Treaty of 1854. This signifies that for the twelve years during which the treaty was in force the artificial barriers to the currents of trade between

adjacent countries were, to a large extent, removed, certainly to the great advantage of all British North America. It was a unique period in Canadian history. Never before had the trade relations between Canada and the United States been so friendly, and never have they been so friendly since.

In another great enterprise of national importance Hincks was more successful. The forties of the nineteenth century saw the first great era of railway building. This novel method of transportation was perceived to have immense undeveloped possibilities. In Britain, where steam traction was invented, companies were formed by the score and lines were projected in every direction. It was a time of wild speculation, in which emerged for the first time the new type of company promoter. From England the rage for railways spread to the Continent and to America. While Hincks was working at the problem in Canada, Howe was working at it in Nova Scotia. To link the East with the West, Montreal with Toronto, Montreal with the Atlantic seaboard, Montreal with the Lake Champlain waterways to the southward, was the general design of the first Canadian railways. It was in this period that the first

sections were built of those Canadian lines which, in half a century, have grown into immense systems radiating across the continent. Hincks's idea was to aid private enterprise by government guarantees of the interest on half the cost of construction. Canada is now laced with iron roads from ocean to ocean. The man who laid the foundation of these immense systems in the day of small beginnings should never be forgotten.

So the busy session went on, until a measure was introduced which aroused a storm of opposition, threatened a renewal of civil war, and tested the principle of responsible government almost to the breaking strain. This was the Act of Indemnification, a part of the bitter aftermath of the rebellion twelve years before.

War, even on the smallest scale, means the destruction of property. In the troubles of '37 buildings were burned down in the course of military operations. For example, good Father Paquin of St Eustache had long to mourn the loss of his church and the adjoining school. As it stood on a point of land at the junction of two streams and was strongly built of stone, it was an excellent

place of defence against the attack of Colborne's troops. On the fatal fourteenth of December 1837 it was stoutly held by Chénier and his men, until two British officers broke into the sacristy and overset the stove. Soon the fire drove the garrison out of the building, which was destroyed along with the new school-house near by. His parishioners were loyal, Father Paquin contended in a well-reasoned petition; it was not they but the discontented people of Grand Brulé who had seized the town; yet the result was ruin. In the affair of Odelltown in 1838 a citizen's barn was burnt down by orders of the British officer commanding because it gave shelter to the rebels. Near St Eustache the Swiss adventurer and leader of the rebels, Amury Girod, took possession of a farm belonging to a loyal Scottish family. His men cut down the trees about the farm-house, fortified it rudely, and lived in it at rack and manger until Colborne came to St Eustache. These were typical cases of loss, and surely, when order was again restored, they were cases for compensation. The loyal and the innocent should not have to suffer in their goods for their innocence and their loyalty.

Claims for compensation were made early. In the very year of the rebellion the Assembly of Upper Canada passed an Act appointing commissioners to inquire into the amount of damage done to the property of loyal citizens; and in the following year it voted a sum of £4000 to make good the losses. Men were paid for a cow driven off, or for an old musket commandeered. The Special Council of Lower Canada made similar provision, as was only natural and right; but its task was much harder than that of the Assembly's. Clearly, the property of loyalists destroyed or injured during the civil strife should be made good. This was mere justice. It was equally clear that the property of open rebels which had been destroyed or injured should *not* be made good. But there was a third category not so easy to deal with. There were those who were not openly in rebellion, but who were grievously suspect of sympathy with declared insurgents of their own race and religion. How far sympathy might have become aid and comfort to opponents of the government was hard to say. The village of St Eustache, for example, was set on fire the night following the fight; the troops turned out in the bitter cold to fight the fire,

but did not master it until some eighty houses were burned. What claim could the owners have upon the government for their losses? In the winter of 1838 the sky was red with the flames of burning hamlets, says the *Montreal Herald.*

The law's delay is proverbial. Compensatory legislation dragged its slow length along for years, and the loyalists who had suffered in their pocket saw session after session pass, and their claims still unsatisfied. In 1840 the Assembly of Upper Canada passed an Act authorizing the expenditure not of four thousand, but of forty thousand pounds, to indemnify the loyalists who had lost by the 'troubles.' However, as the Assembly, at the same time, forbore to provide any funds for the purpose, the Act remained with the force of a pious wish. The claimants for compensation were none the better for it. Then came the union of the Canadas. Five more years rolled away, and, in spite of the usual siege operations of those who have money claims against a government, nothing was done. The various barns and cows and muskets were still a dead loss. Then in 1845 the Tory administration of Draper put the necessary finishing touch to the quaker act of 1840 by pro-

viding the sum of money required. By drawing on the receipts from tavern licences collected in Upper Canada over a period of four years, the government was in the possession of £38,000 for this specific purpose. But, after the Union, it was manifestly unjust to pay rebellion losses, as they came to be known, in Upper Canada and not in Lower Canada. The Reformers of Lower Canada pointed out with emphasis the manifest injustice of such a proceeding. It therefore became necessary to extend the scope of the Act. Accordingly, in November 1845, a commission consisting of five persons was appointed to investigate the claims for 'indemnity for just losses sustained' during the rebellion in Lower Canada. This commission was instructed to distinguish between the loyal and the rebellious, but, in making this vital distinction, they were not to 'be guided by any other description of evidence than that furnished by the sentences of the courts of law.' The commission was also given to understand that its investigation was not to be final. It was to prepare only a 'general estimate' which would be subject to more particular scrutiny and revision. Appointed in the end of November 1845, the

commission had finished its task and was ready to report in April 1846. Its 'general estimate' was a handsome total of more than £240,000; it gave as its opinion that £100,000 would cover all the 'just losses sustained.' Of the larger amount, it is said that £25,000 was claimed by those who had actually been convicted of treason by court-martial. Not unnaturally an outcry rose at once against taking public money to reward treason. The report could not very well be acted upon; and the government voted £10,000 to pay claims in Lower Canada which had been certified before the union of the provinces. Another delay of three years followed, until LaFontaine took the matter up in the session of 1849.

His general idea was simply to continue and complete the legislation already in force, in order to do justice to those who had 'sustained just losses' in the 'troubles' of '37 and '38. The bill provided for a new commission of five, with power to examine witnesses on oath. In accordance with the finding of the previous commission, the total sum to be expended was limited to £100,000. If the losses exceeded that sum, the individual claims were to be proportionally reduced.

The necessary funds were to be raised on twenty-year debentures bearing interest at six per cent. LaFontaine introduced and explained the bill, and Baldwin supported it in a brief speech. It was easy enough, with their unbroken majority, to vote the measure through; but the storm of opposition it raised might have made less determined leaders hesitate or draw back.

The vehemence of the opposition was not due merely to the readiness with which the faction out of power will seize on the weak aspects of a question in order to embarrass the government. Such sham-fight tactics are common enough and may be rated at their proper value. The leaders of the British party were sincere in their belief that the success of this measure meant the triumph of the French and the reversal of all that had been done to hold the colonies for the Empire against rebels whose avowed purpose was separation. Twelve years had gone by since they had failed in the overt act. Now Papineau was back in the House, about to receive his arrears of salary as Speaker. In Elgin's eyes he was a Guy Fawkes waving flaming brands among all sorts of combustibles. Mackenzie, like the others, had been granted amnesty

SIR LOUIS H. LAFONTAINE

After a photograph by Notman

and was about to return to Canada. Wolfred Nelson, who had resisted Her Majesty's forces at St Denis, was to have his claim for damages considered. It was not in the flesh and blood of politicians to endure all this; and before condemning the opposition to this bill, as is the fashion with Canadian historians, we might ask what we should have done ourselves in such circumstances. What the Tories did was to raise the war-cry, 'No pay to rebels.' It resounded from one end of the province to the other and roused to life all the passion that had slumbered since the rebellion.

In the debate on the second reading of the bill a scene almost without parallel took place on the floor of the House. The Tories taunted the French with being 'aliens and rebels.' Blake, the solicitor-general for Upper Canada, retorted the charge, and accused the Tories of being 'rebels to their constitution and country.' In a rage Sir Allan MacNab gave him 'the lie with circumstance,' and the two honourable members made at each other. Only the prompt intervention of the sergeant-at-arms prevented actual assault. The two belligerents were taken into his custody. Some of the excited spectators who

hissed and shouted were also taken into custody; and the debate came to a sudden end that day. Those were the days of 'the code,' and why a 'meeting' was not 'arranged' and why Sir Allan did not have an opportunity of using his silver-mounted duelling pistols is not quite clear. The tempers of our politicians have much improved since that violent scene occurred. No slur on the word of an honourable gentleman, no imputation of falsehood, would now be so hotly resented in our legislative halls.

The violence and the excitement which prevailed in parliament were repeated and intensified throughout the country. Everything that could be effected by public meetings, petitions, protests, was done to prevent the bill from passing, or, if it passed, to prevent the governor-general from giving his assent to it, or, as a last resource, to induce the Queen to disallow the obnoxious measure. The whole machinery of agitation was set in motion and speeded up, to prevent the bill becoming law. 'Demonstrations'—in plain English, rows—took place everywhere. Sedate little Belleville was the scene of fierce riots. Effigies of Baldwin, Blake, and Mackenzie were paraded through the streets of Toronto

on long poles 'amid the cheers and exultations of the largest concourse of people beheld in Toronto since the election of Dunn and Buchanan.' Finally the effigies were burned in a burlesque *auto-da-fé*. This ancient English custom was a milder method of expressing political disapproval than the native American invention of tar-and-feathers; but it seems to have been equally soothing to the feelings. An outside observer, the *New York Herald*, expected the disturbance to end in 'a complete and perfect separation of those provinces from the rule of England'; but in those days American critics were always expecting separation.

No clearer mirror of the crisis is to be found than in the words of the man on whom lay the heaviest responsibility, the governor-general himself. This is his private opinion of the bill: 'The measure itself is not free from objection, and I very much regret that an addition should be made to our debt for such an object at this time. Nevertheless I must say I do not see how my present government could have taken any other course.' He also calls it 'a strict logical following out' of the Tory party's own acts; and he has 'no doubt whatsoever

that a great deal of property was wantonly and cruelly destroyed at that time in Lower Canada.' He was petitioned to dissolve parliament if the bill should pass; his judgment on this alternative runs: 'If I had dissolved parliament, I might have produced a rebellion, but most assuredly I should not have produced a change of ministry.' The other alternative of reserving the bill seemed, as he balanced it in his mind, cowardly. He would create no precedent. Bills had been reserved before, and had been refused the royal sanction; to reserve this one would be no departure from established custom; but, he writes to Lord Grey, 'by reserving the Bill, I should only throw upon Her Majesty's Government . . . a responsibility which rests, and ought, I think, to rest, on my own shoulders.' The sentences which follow evince an ideal of public service that can only be called knightly. The executive head of the government was ready to face failure and disgrace, to the ruin of his career, rather than shirk the responsibility which was really his. 'If I pass the Bill, whatever mischief ensues may possibly be repaired, if the worst comes to the worst, by the sacrifice of me. Whereas

if the case be referred to England, it is not impossible that Her Majesty may have before her the alternative of provoking a rebellion in Lower Canada . . . or of wounding the susceptibilities of some of the best subjects she has in the province.' From the first Elgin had firmly made up his mind to fill the rôle of constitutional governor; he believed that the best justification of Durham's memory, and of what he had done in Canada, would be a governor-general working out fairly the Dictator's views of government. Although he had definitely made up his mind what course of action to follow, he was never betrayed into committing himself before the proper time. Deputations waited on him with provocative addresses; but none was cunning enough to snare him in his speech. The 'sacrifice' came soon enough.

In spite of all the furies of opposition within the House and out of it, the Indemnity Bill passed by a majority of more than two to one. The next question was what would Lord Elgin do? Would he give his assent to the bill, the finishing vice-regal touch which would make it law, or would he reserve it for Her Majesty's sanction? Some unnamed

persons of respectability had a shrewd suspicion of what he would do, as the sequel proved. An accident hastened the crisis. In 1849 the navigation of the St Lawrence opened early; and on the twenty-fifth of April the first vessel of the season was sighted approaching the port of Montreal. In order to make his new Tariff Bill immediately operative on the nearing cargo, Hincks posted out to 'Monklands,' Lord Elgin's residence, in order to obtain the governor-general's formal assent to this particular bill. The governor did as he was asked. He drove in from 'Monklands' in state to the Parliament House for the purpose. The time seemed opportune to give his assent to several other bills. Among the rest he assented in Her Majesty's name to the 'Act to provide for the indemnification of parties in Lower Canada whose property was destroyed during the Rebellion of 1837 and 1838.' What happened in consequence is best told in his own words. 'When I left the House of Parliament, I was received with mingled cheers and hootings by a crowd by no means numerous, which surrounded the entrance of the building. A small knot of individuals consisting, it has since been ascer-

tained, of persons of a respectable class in society, pelted the carriage with missiles which they must have brought with them for the purpose.' The 'missiles' which could not be picked up in the street were rotten eggs. One of them struck Lord Elgin in the face. That was the Canadian method of expressing disapproval of a governor-general for acting in strict accordance with the principles of responsible government. But this was only part of the price he had to pay for doing right. Worse was to follow.

Immediately after this outrage a notice was issued from one of the newspapers calling an open-air meeting in the Champ de Mars. Towards evening the excitement increased, and the fire-bells jangled a tocsin to call the people into the streets. The Champ de Mars soon filled with a tumultuous mob, roaring its approbation of wild speeches which denounced the 'tyranny' of the governor-general and the Reformers. A cry arose, 'To the Parliament House!' and the mob streamed westward, wrecking in its passage the office of Hincks's paper the *Pilot*. The House was in session, and though warned by Sir Allan MacNab that a riot was in progress, it hesitated to take the extreme step of

calling out the military to protect its dignity. At this time the whole police force of the city numbered only seventy-two men, and, in emergencies, law and order were maintained with the aid of the regiments in garrison, or by a force of special constables. Soon the House found that Sir Allan's warning was against no imaginary danger. Volleys of stones suddenly crashed through the lighted windows, and the members fled for their lives. The rabble flowed into the building and took possession of the Assembly hall. Here they broke in pieces the furniture, the fittings, the chandeliers. One of the rioters, a man with a broken nose, seated himself in the Speaker's chair and shouted, 'I dissolve this House.' It seems like a scene from a Paris *émeute* rather than an actual event in a staid Canadian city. Soon a cry was heard, 'The Parliament House is on fire.' Another band of rioters had set the western wing alight, and, in a quarter of an hour, the whole building was a mass of flames. Although the firemen turned out promptly, they were forcibly prevented by the mob from doing their duty, until the soldiers came to their support, and then it was too late to save the building. Next day only the ruined walls

were standing. The Library of Parliament was burned in spite of efforts to save it, and the student of Canadian history will always mourn the loss of irreplaceable records and manuscripts in that tragic blaze. One thing was rescued. Young Sandford Fleming and three others carried out the portrait of the Queen. It was almost as gallant an act as rescuing the Lady in person.

Nor was the destruction of the Parliament Building the final outbreak. Next evening the mob was at its work again, attacking the houses or lodgings of the various Reform leaders. LaFontaine's government ordered the arrest of four ringleaders in the last night's riot. In revenge his house was entered forcibly, the furniture smashed, the library destroyed, and the stable set on fire. In fact, for three days Montreal was like a city in revolution. A thousand special constables, armed with pistols and cutlasses, in addition to the soldiery were needed to restore something like order in the streets. But the rioting was not over even yet. The most violent scene of all took place on the thirtieth of April. The House was naturally incensed at the insults offered to the governor-general, and drew up an address expressing the

members' detestation of mob violence, their loyalty to the Queen, and their approval of his just and impartial administration. It was decided to present the address to him, not at the suburban seat of 'Monklands,' but publicly at Government House, the Château de Ramezay in the heart of the city. Such a decision showed no little courage on both sides, but the end was almost a tragedy. Lord Elgin came very near being murdered in the streets of Montreal. On the day appointed he drove into the city, having for escort a troop of volunteer dragoons. All through the streets his carriage was pelted with stones and other missiles, and his entry to Government House was blocked by a howling mob. His escort forced the crowd to give way, and the governor-general entered, carrying with him a two-pound stone which had been hurled into his carriage. It was a piece of unmistakable evidence as to the treatment the Queen's representative in Canada had received at the hands of Her Majesty's faithful subjects. When the ceremony was over he attempted to avoid trouble by taking a different route back to 'Monklands,' but he was discovered, and literally hunted out of the city. 'Cabs,

calèches, and everything that would run were at once launched in pursuit, and crossing his route, the governor-general's carriage was bitterly assailed in the main street of the St Lawrence suburbs. The good and rapid driving of his postilions enabled him to clear the desperate mob, but not till the head of his brother, Colonel Bruce, had been cut, injuries inflicted on the chief of police, Colonel Ermatinger, and on Captain Jones, commanding the escort, and every panel of the carriage driven in.' Even at 'Monklands' Lord Elgin was not entirely safe. The mob threatened to attack him there, and the house was put in a state of defence. Ladies of his household driving to church were insulted. To avoid occasion of strife he remained quietly at his country-seat; and, for his consideration of the public weal, was ridiculed, caricatured, and dubbed, in contempt, the Hermit of Monklands.

The riots did not end without bloodshed. Once more the rioters attacked LaFontaine's house by night; shots were fired from the windows on the mob, and one man was killed. The appeal to racial passion was irresistible. A man of British blood had been slain by a Frenchman. The funeral

of the chance victim was made a political demonstration. LaFontaine was actually tried for complicity in the accident, but was acquitted. Montreal underwent something like a Reign of Terror; a murderous clash between French and English might come at any moment. Elgin was urged to proclaim martial law and put down mob rule by the use of troops. Wisely he refused to go to such extremes. The city authorities themselves should restore order, and at last they did so with their thousand special constables. Those April riots of '49 cost Montreal the honour of being the capital of Canada, and ultimately caused the transformation of queer little lumbering Bytown into the stately city of Ottawa, proudly eminent, with the halls of legislature towering on the great bluff above the glassy river.

Of Elgin's conduct during this long-drawn ordeal it is almost impossible to speak in terms of moderate praise. He must have been less or more than human not to feel bitterly the insults heaped upon him. The natural man spoke in the American who 'could not understand why you did not shoot them down'; and also in the Canadian

who ' would have reduced Montreal to ashes ' before enduring half that the governor endured. But Elgin acted not as the natural man, but as the Christian and the statesman. He refused to meet violence with violence; and he refused to nullify the principles of popular government by bowing before the blast of popular clamour. But a more unpopular governor-general never held office in Canada.

CHAPTER V

THE PRINCIPLE ESTABLISHED

THE storm raised by the Rebellion Losses Bill did not soon sink to a calm. It did not end with rabbling the viceroy, burning the House of Parliament, homicide, and mob rule in the streets of Montreal. In the British House of Commons the whole matter was thoroughly discussed. Young Mr Disraeli, the dandified Jewish novelist, held that there were no rebels in Upper Canada, while young Mr Gladstone, 'the rising hope of those stern and unbending Tories,' proved that there were virtual rebels who would be rewarded for their treason under the Canadian statute. In a letter to *The Times* Hincks showed, in rebuttal, that rebels in Upper Canada had already received compensation by the Act of a Tory government. Who says A must also say B. Between the arguments of Gladstone and Hincks it is perfectly clear that the Rebellion Losses Bill was anything but a perfect measure. Its passage had one

more important reaction, the Annexation movement of 1849.

This episode in Canadian history is usually slurred over by our writers. It is considered to be a national disgrace, a shameful confession of cowardice, like an attempt at suicide in a man. It did undoubtedly show want of faith in the future. Those who organized the movement did 'despair of the republic.' But it is possible to blame them too much. Annexation to the United States was in the air. Lord Elgin writes that it was considered to be the remedy for every kind of Canadian discontent. He was haunted by the fear of it all through his tenure of office. Annexation had been preached by the Radical journals for years in Canada; and it was confidently expected by politicians in the United States. As late as 1866 a bill providing for the admission of the states of Upper Canada, Nova Scotia, etc., to the Union passed two readings in the House of Representatives. The Dominion elections of a quarter of a century later (1891) gave the death-blow to the notion that Annexation was Canada's manifest destiny; but the idea died hard.

Action and reaction are equal and opposite.

Embittered by defeat, the very party that had stood like a rock for British connection now moved definitely for separation. The circular issued by the Annexation Association of Montreal is a document too seldom studied, but it repays study. In tone it is the reverse of inflammatory; it is markedly temperate and reasonable. After a dispassionate review of the present situation, it considers the possibilities that lie before the colony—federal union, independence, or reciprocity with the United States. All that Goldwin Smith was to say about Canada's manifest destiny is said here. His ideas and arguments are perfectly familiar to the Annexationists of '49. The appeal at the close contains this sentence:

> Fellow-Colonists, We have thus laid before you our views and convictions on a momentous question—involving a change which, though contemplated by many of us with varied feelings and emotions, we all believe to be inevitable;—one which it is our duty to provide for, and lawfully to promote.

There were those who protested against Annexation; but they were denounced as

'known monopolists and protectionists.' One speaker said: 'Were it necessary I might multiply citation on citation to prove that England considers, and has for years considered, our present relations to her both burdensome and unprofitable.' Another said: 'It is admitted, I may almost say, on all hands, that Canada must eventually form a portion of the Great American Republic—that it is a mere question of time.' There follows a list of some nine hundred names, beginning with John Torrance and ending with Andrew Stevenson. There are French names as well as English. Some bearers of those names to-day are not proud of the fact that they are to be found in that list. One Tory refused to sign the manifesto: his monument bears the inscription, 'A British subject I was born, a British subject I will die.'

The manifesto was supported by various pamphleteers and journalists. Elgin records his fear of the 'cry for Annexation spreading like wildfire through the province.' But it did not spread 'like wildfire.' The original impulse, which may have been partly 'petulance,' seemed to spend itself. Not all English opinion was in favour of 'cutting the painter'; and one of the most determined

opponents of Annexation was that very alert politician, the young Queen. Equally determined was the governor-general of Canada. 'To render Annexation by violence impossible, and by any other means, as improbable as may be, is,' he wrote, 'the polar star of my policy.' When he could, he showed clearly enough what his policy was. The manifesto of the Annexationists contained not a few names of men holding office under the government, magistrates, queen's counsel, militia officers, and others. Elgin had a circular letter sent to these eminently respectable persons holding commissions at the pleasure of the Crown, asking pertinently if they had really signed the document in question. Some affirmed, and some denied; others, again, questioned the governor's right to make the inquiry. He then removed from office all who did not disavow their signatures as well as those who admitted them. His action had an excellent effect and showed that he was no weakling. He was warmly supported by the colonial secretary, Earl Grey. Hitherto he had been only a peer of Scotland, but now, in token of the government's approval, was made a peer of the United Kingdom. Soon the commercial con-

THE EARL OF ELGIN

From a daguerreotype

ditions, which had no small part in the political discontent, began to mend.

The services of Hincks to his adopted country at this time were of the greatest value. A financier as well as a journalist, he was able to secure the capital needed for the great public works, and to set the resources of Canada before the British investor in a most convincing way. The Welland Canal was completed; the era of railway development began. Immigration increased and business began to lift its head. In 1849 the last of the old Navigation Laws, which forbade foreign ships to trade with Canada, were repealed. They were an inheritance from the imperialism of Cromwell, but were now outworn. Although the Maritime Provinces did not benefit, the port of Montreal began to come to its own, as the head of navigation. In 1850 nearly a hundred foreign vessels sought its wharves.

The next session of parliament was held in Toronto, according to the odd agreement by which that city was to alternate with Quebec as the seat of government. Every four years the government with all its impedimenta was to migrate from the one to the other. The Liberal party was soon to find that a crushing

victory at the polls and a puny opposition in the House were not unmixed blessings. It began to fall apart by its own sheer weight. A Radical wing, both English and French, soon developed. The 'Clear Grit' party in Upper Canada was moving straight towards republicanism, and so was Papineau's *Parti Rouge*, with its organ *L'Avenir* openly preaching Annexation. Canadian eyes were still dazzled by the marvellously rapid growth of the United States. American democracy was manifestly triumphant, and Canada's shortest road to equal prosperity lay through direct imitation. Salvation was to be found in the universal application of the elective principle, from policeman to governor. This was before the unforeseen tendencies of democracy had startled Americans out of their attitude of self-complacent belief in it, and converted them first into thoroughgoing critics, and then into determined reformers of the system that they once thought flawless. The legislation of the session of 1849-50 has still measures of value. Canada for the first time assumed full control of her own postal system. The principle of separate schools for Roman Catholics was confirmed, a measure which reveals Canada in sharp contrast to the

United States, where sectarian teaching is excluded from a state-aided school system. Not a single bill was 'reserved,' which the *Globe* called a fact 'unprecedented in Canadian history.' The colony was now entirely free to manage its own affairs, well or ill, to misgovern itself if it chose to do so. Lord Elgin had almost laid down his life for this idea; henceforth it was never to be called in question.

Two outstanding grievances were finally removed by the Great Administration during this session. They were both land questions; one afflicted the English, and the other the French, half of the province. For a whole decade the grievance of the Clergy Reserves had slumbered; now it came up for settlement. The Clergy Reserves were finally secularized. Hincks, the astute parliamentary hand, led the House in requesting the British parliament to repeal the Act of 1840. This was the first step, preliminary to devoting the unappropriated land to the maintenance of the school system. In voting on this measure LaFontaine opposed, while Baldwin supported it. The divergence of opinion marked the weakening of the ministry.

The other question, which affected French

Canada, was the seigneurial tenure of the land. The system was an inheritance from the time of Richelieu. Unlike the English, who allowed their colonies to grow up haphazard, the French, from the first, organized and regulated theirs according to a definite scheme. Upon the banks of the St Lawrence they established the feudal system of holding land, the only system they knew. There were the seigneurs, or landlords, with their permanent tenants, or *censitaires*. There were the ancient usages—*cens et rentes*, *lods et ventes*, *droit de banalité*,[1] the seigneurs' court, and so on. Seigneuries were also established in Acadia; but they were bought out by the Crown about 1730, after the cession of that province to Great Britain. In the opinion of such authorities as Sulte and Munro the seigneurial system answered its purpose very well. At first the French would not have it touched. In the troubles of '37 the simple habitants thought they were fighting for the abolition of the seigneurs' dues. By the middle of the nineteenth century it had become almost as complete an anomaly as trial by combat. But the question of reform bristled with difficulties.

[1] See *The Seigneurs of Old Canada*, chap. iv.

Which were the rightful owners of the eight million arpents of land—the seigneurs, or the *censitaires*? To whom should all this land be given? Was there a third method, adjustment of rights with adequate compensation? The Reformers were not agreed among themselves. Some were for abolition of the seigneurs' rights: some were for voluntary arrangement with the aid of law. LaFontaine was averse from change, and Papineau, who was himself a seigneur, held by the ancient usages. The whole question was referred to a committee, but all attempts to deal with it during the sessions of 1850 and 1851 came to nothing. Not until 1854 was definite action taken. All feudal rights and duties, whether bearing on *censitaire* or seigneur, were abolished by law, and a double court was appointed to inquire into the claims of all parties and to secure compensation in equity for the loss of the seigneurs' vested interests. It took five years of patient investigation, and over ten million dollars, to get rid of this anomaly, but at last it was accomplished to the benefit of the country. Says Bourinot, 'The money was well spent in bringing about so thorough a revolution in so peaceable and conclusive a manner.'

Both these questions gave rise to differences of opinion in the Cabinet. The Clear Grits, or Radical wing, were in constant opposition, simply because the progress of Reform was not rapid enough. William Lyon Mackenzie, once more in parliament, rendered them effective aid. In June 1851 he brought in a motion to abolish the Court of Chancery, which had been reorganized by Baldwin only two years before and seemed to be working fairly well. Although the motion was defeated Baldwin realized that the leadership of the party was passing from him and his friends, and he resigned from office at the end of the month. One of the pleasing episodes in the history of Canadian parliaments was Sir Allan MacNab's sincere expression of regret on the retirement of his political opponent. There are few enough of such amenities. In October of the same year LaFontaine also resigned, sickened of political life. A letter of his to Baldwin, as early as 1845, lifts the veil. 'I sincerely hope,' he says, 'I will never be placed in a situation to be obliged to take office again. The more I see the more I feel disgusted. It seems as if duplicity, deceit, want of sincerity, selfishness were virtues. It gives me a poor idea of

human nature.' This is not the utterance of a cynic, but of an honest man smarting from disillusion. His exit from public life was final. He was made chief justice for Lower Canada and presided with distinction over the sessions of the Seigneurial Court. His political career thus closed while he was yet a young man with years of valuable service before him. Baldwin attempted to re-enter political life. The resignation of the two leaders involved a new election, and Baldwin was defeated in his own 'pocket borough' by Hartman, a Clear Grit. That was the end. He retired to his estate 'Spadina,' his health shattered by his close attention to the service of the state. He was an entirely honest politician, deservedly remembered for the integrity of his life and his share in upbuilding Canada. So the Great Administration reached its period.

It was succeeded by a ministry in which Hincks and Morin were the leaders. The new parliament included a new force in politics, George Brown, creator of the *Globe* newspaper. A Scot by birth, a Radical in politics, hard-headed, bitter of speech, a foe to compromise, with Caledonian fire and fondness for facts, he soon commanded a large follow-

ing in the country and became a dreaded critic in the House. He had disapproved of the late ministry for its failure to carry out the programme approved by the *Globe*, especially the secularization of the Clergy Reserves. He became the Protestant champion, the denouncer of such acts as that of the Pope in dividing England into Roman Catholic sees and naming Cardinal Wiseman Archbishop of Westminster, and the pugnacious foe of 'French domination.' His activities did not tend to draw French and English closer together. He lacked the gift of his successful rival, John A. Macdonald, for making friends and inspiring personal loyalty.

The Hincks-Morin government was a business man's administration. It is noteworthy for its successful promotion of various railway, maritime, and commercial enterprises. It aided in the establishment of a line of steamers to Britain by offering a substantial subsidy for the carriage of mails, a policy which has continued, with the approval of the nation, to the present time. It was this ministry also which pushed the building of the Grand Trunk, and ultimately succeeded in creating a national highway from Rivière du Loup to

Sarnia and Windsor. This was the era of reckless railway speculation. Municipalities were empowered to borrow money on debentures for railway building guaranteed by the provincial government. Unfortunately they borrowed extravagant sums and ran into debt, from which, at last, the province had to rescue them. But, unlike what happened in the case of some of the American states, there was no repudiation of debts by Canadian municipalities.

The year 1851 is likewise famous for the Great Exhibition. Britain had adopted free trade, to her great advantage. All the nations of the world were expected to follow her example and remove the barriers to commerce to the benefit of all. The freedom of intercourse between nation and nation was to slay the jealousy and suspicion which lead to war. To inaugurate the new era of peace and unfettered trade the Crystal Palace was reared in Hyde Park—'the palace made of windies,' as Thackeray calls it—and filled with the products of the world. The idea originated with the Prince Consort, and it was worthy of him. For the first time the various nations could compare their resources and manufactures with one another. Canada

had her share in it. As a demonstration of general British superiority in manufactures the Great Exhibition was a great success; but as heralding an era of universal peace it was a mournful failure. Three years later England, France, and Sardinia were fighting Russia to prop the rotten empire of the Turk. Then came the Great Mutiny; then the four years of fratricidal strife between the Northern and Southern States; then the war of Prussia and Austria; then the overthrow of France by Germany. All these events had their influence on Canada. The 100th Regiment was raised in Canada for the Crimea. Joseph Howe went to New York on a desperate recruiting mission. Nova Scotia ordained a public fast on the news of the massacre of white women and children by the Sepoys. Thousands of Canadians enlisted in the Northern armies. The Papal Zouaves went from Quebec to the aid of the Pope against Garibaldi. All these were symptoms that Canadians were beginning to outgrow their narrow provincialism and to perceive their relations to the outer world, and especially towards Britain. The country was reaching out towards the rôle which in our own day she has played in the Great War.

Meanwhile Lord Elgin was playing his part as constitutional governor, standing by his principle of accepting democracy even when democracy went wrong. Though inconspicuous, he was always planning for the benefit of the country he had in charge. He had visions of an Imperial *zollverein*, but he perceived clearly the immense and immediate advantages of freer trade relations between the British American colonies and the United States. Those once attained, he thought the danger of Annexation past. His activities in his last year of office prove that a man of ability may be a strictly constitutional governor and yet preserve a power of initiative, of almost inestimable value. In 1853 Lord Elgin paid a visit to England, and while there obtained full powers to negotiate with the United States. For several years Hincks had been doing his best to induce the American government to consider the question of reciprocity in natural products with Canada, but without avail. Bills to this effect had even been introduced into Congress; but they never got beyond the preliminary stages. New England was inclined to favour the proposal, for agriculture was declining there before the growth of

manufactures. The South favoured reciprocity rather than Annexation, for the 'irrepressible conflict' between the slave states and the free states was every day coming closer to observant eyes, and including Canada in the Union meant a great accession of strength to the already populous North. Opposition came from the farmers of the Northern states, who feared the competition of a country, as yet, almost entirely devoted to agriculture. General indifference, the opposition of a section, combined with the feeling that Canada had nothing adequate to offer in return for access to the huge American market, removed reciprocity from the domain of practical politics. The scale was turned by the codfish question.

Ever since the success of the Revolution the fishermen of New England had a grievance against the British government and against the colonies which did not revolt. They thought it most unjust that, as successful rebels, they could not enjoy the fishing privileges of the North Atlantic which they had enjoyed as loyal subjects. They wanted to eat their cake and have their penny too. Of course no power on earth could exclude them from the Banks, the great shoals in the

open sea, where fish feed by millions; but territorial waters were another matter. By the law of nations the power of a country extends over the waters which bound it for three miles, the range of a cannon shot, as the old phrase runs. Now it is precisely in the territorial waters of the British American provinces that the vast schools of mackerel and herring strike. To these waters American fishermen had not a shadow of a right; but Yankee ingenuity was equal to the difficulty and proposed the question, Where does the three-mile limit extend? The American jurists and diplomats insisted that it followed all the sinuosities of the shore. If admitted, this claim would give American fishermen the right of entrance to huge British bights and bays full of valuable fish. The Canadian contention was that the three-mile limit ran from headland to headland, thus excluding the Americans from fishing within the deeper indentations of the coast-line. By the treaty of 1818 the Americans were definitely excluded from the territorial waters, but still they poached on Canada's preserves. It was maddening to Nova Scotians to see aliens insolently hauling their nets within sight of shore and taking the bread from their mouths.

The Americans applied the headland to headland rule to their own territorial waters; no 'Bluenose' fisherman could venture into the Chesapeake; but for the 'Britishers' to insist on the same rule was another matter. In 1852 the constant clash of interests almost led to war; for Britain backed up the just complaints of her colonies by detaching a force of six cruisers to protect our fisheries and stop the poachers, and the American government also sent ships to protect their fishermen. There was no further action, beyond a recommendation in the President's message to Congress that the whole matter should be settled by treaty.

Such was the situation when Lord Elgin arrived at Washington in May 1854. His suite included Hincks and Laurence Oliphant, the writer, whose humorous and satiric account of what he saw during the negotiations makes most amusing reading. The diplomats reached the American capital at one of the most dramatic moments of American history. On the very day of their arrival the Kansas-Nebraska Bill passed Congress. It meant the momentary triumph of the South and the extension of slavery into the great *hinterland* beyond the Mississippi.

The passage of the bill was celebrated by the salute of a hundred guns; and, fearing trouble, legislators sat in the House armed to the teeth.

Lord Elgin at once began operations which can hardly be distinguished from an ordinary lobby. From Marcy, the secretary of state, he ascertained that the kernel of opposition to reciprocity was the Democratic majority in the Senate, and he set about cultivating the Democratic senators. There was a round of pleasant dinners and other entertainments, at which Lord Elgin shone. A British peer is always an object of interest in a democracy. This one possessed most agreeable manners, a charm to which Southerners are peculiarly susceptible, and also an unusual gift of oratory which won him favour with a public accustomed to the eloquence of Daniel Webster and Wendell Phillips. These things told with the Democratic majority. That the treaty 'was floated through on champagne' is an exaggeration; but there was undoubtedly much hospitality shown on both sides and much good fellowship. Ten days after his arrival at Washington Lord Elgin was able to tell Mr Marcy that the Democrats would not oppose the treaty, and on the fifth of

June it was actually signed. Oliphant furnishes most amusing details of the actual ceremony of appending the signatures. It went into force only after it had been formally ratified by the legislatures of Great Britain and the United States. The most important provisions were as follows.

Natural products were to be admitted free of duty to both countries, the principal being grain, flour, lumber, bread-stuffs, animals, fresh, smoked and salted meats, lumber of all kinds, poultry, cotton, wool, hides, metallic ores, pitch, tar, ashes, flax, hemp, rice, and unmanufactured tobacco. In return the American fishermen obtained the coveted privilege of fishing within the territorial waters of the Maritime Provinces, without any restriction as to distance or headlands. Canadians were accorded the right to fish in the depleted American grounds, north of the 36th parallel N. latitude. Nova Scotians were not pleased at these concessions, especially as they were not allowed to share in the American coasting trade; but as trade grew up and prices rose, their discontent naturally vanished.

The benefits accruing to Canada from the treaty were immediate and plain to every

eye. In the first year of its operation the value of commodities interchanged between the two countries rose from an annual average of fourteen million dollars to thirty-three millions, an increase of more than one hundred per cent. The volume of trade rose steadily at the rate of eight or nine millions per annum. When the war broke out between the North and the South, prices jumped, and, during the four years of the struggle, Canada had a greedy market for everything she could produce. The benefit to both countries was obvious. For the first time since the Revolution the currents of North American trade flowed unchecked in their natural channels. Canada had never known such a period of prosperity, and was never to know such another, until the great West was opened up by the railways and until immigrants began to flock in by hundreds of thousands, to draw from the rich loam of the prairies the bountiful harvests of man-sustaining wheat. Lord Elgin's pact held good for twelve years. In the last year the volume of trade was more than eighty-four millions. The agreement ended from a variety of causes, economic and political. Canada had raised the tariff on American manufactures in order to meet

her increasing expenditure; and she tried to divert American commerce from its regular routes to a profitable transit through Canadian territory. But the chief cause was the bitterness of the United States at the attitude of Britain during the Civil War. The *Trent* affair, the ravages of the *Alabama* and other commerce destroyers, the open and avowed sympathy with the South expressed in British journals and elsewhere, convinced the American people that Britain would be glad to see the Republic broken up. That, with such provocation, the Americans should deprive a British colony of a commercial advantage was not unnatural. One statesman even proposed that the whole of Canada should be handed over to the United States in compensation for the *Alabama* claims. That the treaty was negotiated at all, and that the experiment in trade was so beneficial to both countries, has certain important lessons. The episode proves that a colonial governor, while governing in strict accordance with the constitution, can do for his government what no one else can do. Lord Elgin's success has never been repeated. Delegation after delegation of Canada's ablest politicians have pilgrimed from Ottawa to Washington, seeking

better trade relations, with no result. The second lesson is the tendency of trade to mock at political boundaries and to wed geography. Even now, with high tariffs on both sides of the line, Canada spends fifty-one dollars in the United States for every thirty-three she spends in England.

From his triumph at Washington the governor-general returned to Canada to undergo another experience of democratic manners. The Hincks-Morin government was nearing its end. Parliament had no sooner assembled in the ancient capital, Quebec, than it was dissolved. In the political tug-of-war known as the debate on the Address the government was defeated. Instead of resigning, the leaders recommended the governor-general to dissolve the House, so that there might be a new election, and that the mind of the people might be ascertained on the two great issues, the Clergy Reserves and Seigneurial Tenure. The opposition contended that the ministry should either resign, or else bring in some piece of legislation as a trial of strength. Lord Elgin's position was precisely the same as in the time of the Rebellion Losses Bill. He acted on the advice of his ministers.

When he came in state to prorogue the House, a most extraordinary scene occurred. He was kept waiting for an hour while the parties wrangled, and when Her Majesty's faithful Commons did present themselves, the Speaker, John Sandfield Macdonald, read, first in English and then in French, a reply to the Address which was a calculated insult to Her Majesty's representative. The point of the reply was that, as no legislation had been passed, there had been no session; and that this failure to follow custom was 'owing to the command which your Excellency has laid upon us to meet you this day for the purpose of prorogation.' Sandfield Macdonald was an ambitious and vindictive man. He was wrong, too, in his interpretation of the constitution. Hincks had denied him a cabinet position which he coveted, and this was his mode of retaliating upon him. None the less, the House was prorogued, and the elections were held.

According to the old, bad custom, they were spread over several weeks, instead of being held on a single day. The result was unfavourable to the government. Representation had been increased, and out of the total number of members returned the

ministry had only thirty at its back. The Conservatives numbered twenty-two, the Clear Grits seven, Independents six, and *Rouges* nineteen. Papineau was defeated and retired to his seigneury. Hincks was returned for two constituencies. In the election of the Speaker he very adroitly thwarted the ambition of Sandfield Macdonald to fill that post; but, soon afterwards, the ministry was defeated on a trifling question and resigned. Hincks was afterwards knighted and made governor of Barbados and Guiana. He returned to Canada in 1869 to be a member of Sir John Macdonald's Cabinet. He made a fortune for himself and he had no small part in making Canada. He died of smallpox in Montreal in 1885. His *Reminiscences* is an authority of prime importance for the history of his times.

That consistent, life-long Tory, Sir Allan MacNab, became the head of the new ministry. The attorney-general for Upper Canada was John A. Macdonald. Six members of the old Reform Cabinet sat in the new ministry side by side with four Conservatives. This signified the formation of a new party in Canada, the Liberal-Conservative, an exactly descrip-

tive name, because it composed the best elements of both parties. Under the leadership of John A. Macdonald it held power for practically thirty years. That able politician, formed by education in this country, not outside, perceived instinctively the essential moderation of the Canadian temperament, and how alien to it was the extravagance of *Rouge* and Clear Grit. The national temperament is cautious and bent to 'shun the falsehood of extremes.' Under the dominance of the new-formed party the jarring scattered provinces became one and grew to the stature of a nation.

Lord Elgin's reign was over. In the autumn of 1854 he made a tour of the province and was everywhere received with unmistakable tokens of appreciation and goodwill. He was right in thinking 'I have a strong hold on the people of this country.' His administration represented the triumph of a statesman's principle over every consideration of convenience, popularity, and even safety. Thanks to his firmness and his chivalrous conception of his office, government by the popular will became established beyond shadow of change. To estimate the value of his services to the commonwealth,

one has only to imagine a Sir Francis Bond Head in his place during the crisis of the Rebellion Losses Bill. A weaker man would have plunged the country into anarchy, or have paltered and postponed indefinitely the true solution of a vital constitutional problem.

No governor of Canada was ever worse treated by the Canadian people; and yet no proconsul is entitled to more grateful remembrance in Canada. In spite of that ill-treatment he grew to like the country. His eloquent farewell speech at Quebec evinces genuine affection for the land and genuine regret at having to leave it for ever. Like every traveller who has known both countries, he was struck by the contrast between 'the whole landscape bathed in a flood of that bright Canadian sun' and 'our murky atmosphere on the other side of the Atlantic.' The majestic beauty of the St Lawrence and citadel-crowned Quebec had won his heart. Like a wise man and a Christian, he looked forward to the end; and he imagined that the memory of the sights and sounds he had grown to love would soothe his dying moments. He left Canada for service in India, like Dufferin and Lansdowne, and never returned. His grave is at Dhurmsala

under the shadow of the Himalayas. It is marked by an elaborate monument surmounted by the universal symbol of the Christian faith; but a nobler and more lasting memorial is the stable government he gave to 'that true North.'

EPILOGUE

THE twelve years that followed Elgin's régime saw the flood-tide of Canada's prosperity. Apart altogether from the advantage of the Reciprocity Treaty, the country flourished. The extension of railways, the influx of population, developed rapidly the immense natural resources of the country. Politically, however, things did not move so well. The old difficulties had disappeared, but new difficulties took their place. There was no longer any question of the constitution, or the relation of the governor to it, or of orderly procedure in the mechanics of administration; but there was violent strife between parties too evenly balanced. The remedy lay in the formation of a larger unity, and, in 1867, the four provinces effected a confederation, which was soon to embrace half the continent from ocean to ocean. Dominion Day 1867 was the birthday of a new nation, and a true poet has precised

Canada's relation to Britain and the world in a single stanza.

> A Nation spoke to a Nation,
> A Throne sent word to a Throne:
> 'Daughter am I in my mother's house,
> But mistress in my own!
> The doors are mine to open,
> As the doors are mine to close,
> And I abide by my mother's house,'
> Said our Lady of the Snows.

Quis separabit? The confident prophecies of 'cutting the painter' have all come to naught. In the supreme test of the Great War, Canada never for a moment faltered. She gave her blood and treasure freely in support of the Empire and the Right. No severer trial of those bonds that knit British peoples together can be imagined. To look back upon the time when British soldiers had to be sent to suppress a Canadian insurrection from a time when French Canadians and English Canadians are fighting side by side three thousand miles from their homes for the maintenance of the Empire is to envisage the most startling of historical paradoxes. That old, bad time seems as unsubstantial as a dream; this seems the only reality; and yet the two periods are separated only by the span of a not very long human life.

The truth is that in those days there were no Canadians. There were French on the banks of the St Lawrence, but their political horizon was bounded by the parish limits. Their most renowned leader had no vision but of an independent French republic, or of one more state in the Union. The people of the western province consisted of diverse elements. The solid kernel was of United Empire Loyalist stock, which gave the province its distinctive character. The Scottish, Irish, English immigration could not be reckoned among the genuine sons of the soil. They built their log-huts in the wild-wood clearings, but their hearts were in the sheiling, the cabin, the cottage they had left beyond the sea. Their allegiance was divided, a fact of which the perpetuation of the various national societies is indubitable evidence. They were the pioneers; they made the wilderness a garden; and their children entered into a large inheritance. More inharmonious still was the immigration from south of the border, of persons brought up on the Declaration of Independence and Fourth of July oratory. Colonel Cruikshanks's researches have proved how numerous they were and how disaffected. Mrs Moodie found

them and the Americanized natives just as disagreeable in Ontario as Mrs Trollope did in Cincinnati, and for the same reasons. Except the Loyalists, all these elements were divided in their political affections and ideals. Their leaders saw only two possibilities. British connection was the sheet-anchor of the old colonial Tories; but their vision of the country's future was an aristocracy, a landed gentry, a decorous union of church and state—in short, a colonial replica of old Tory England. On the other hand, the Radical leaders, French and English alike, saw before them only an independent republic, or fusion with the United States. How limited was the vision of both time has made blindingly clear. The instinct of the nascent nation decided for the golden mean, and chose the middle path. Canada has stood firm by the Empire—how firm let the blood-soaked trenches of Flanders attest—and yet she had stood just as firmly by the creed of democracy and her determination to control her own affairs.

One son of the soil had a vision wider than that of his contemporaries. Years before the rebellion the editor of a Halifax newspaper saw the scattered, jarring British colonies

united under the old flag, and bound together by fellowship within the Empire. He saw iron roads spanning the continent and the white sails of Canadian commerce dotting the Pacific. Canadians of this day see what Howe foresaw—the eye among the blind. Let it be repeated. In those old days there were no Canadians of Canada. Confederation had to be achieved, a new generation had to be born and grow to manhood, before a national sentiment was possible. These new Canadians saw little or nothing of provinces with outworn feuds and divisions. They saw only the Dominion of Canada. Their imagination was stirred by the ideal of half a continent staked out for a second great experiment in democracy, of a vast domain to be filled and subdued and raised to power by a new nation. In spite of many faults and failures and disappointments, Canadians have been true to that ideal. The Canada of to-day is something far grander than the Mackenzies and Papineaus ever dreamed of; she has disappointed the fears and exceeded the hopes of the Durhams and the Elgins; and she stands on the threshold, as Canadians firmly trust, of a more illustrious future.

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